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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 24, at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240

LOS ANGELES, CA

WHEN: March 4, at 9:00 a.m.
WHERE: Federal Building,
300 N. Los Angeles St.
Conference Room 8544
Los Angeles, CA
RESERVATIONS: 1–800–726–4995

SAN DIEGO CA

WHEN: March 5, at 9:00 a.m.
WHERE: Federal Building,
880 Front St.
Conference Room 45–13
San Diego, CA
RESERVATIONS: 1–800–726–4995

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1927

Federal Statute of Limitations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding the use of the Federal Statute of Limitations as a defense in suits on Farmers Home Administration (FmHA) claims. This action is necessary because the interpretation of the Federal statute is erroneous and contrary to current Federal and State court decisions. This action pertains to internal Agency management. The intended effect of this action is to remove an out dated regulation from the CFR. See discussion below under supplementary information.

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Ed Douglas, Financial Analyst, Farmers Home Administration, U.S. Department of Agriculture, Room 5507, South Agriculture Building, Washington, DC 20250. Telephone (202) 475–4425.

SUPPLEMENTARY INFORMATION: This rule was first published as a final rule on January 29, 1972 (37 FR 1457). The rule interpreted the Federal Statute of Limitations enacted on July 18, 1966 (section 1 of Pub. L. 89–505). Its purpose was to remind Government employees that existing law imposed limitations on the exercise of its contract rights with FmHA borrowers. However, in promulgating the rule FmHA never intended to impose additional time restrictions on the exercise of its contractual or other legal rights to foreclose its security instruments. The Federal statute in relevant part provides that the United States has six years after a right of action accrues to bring action for money damages founded on a contract. The statute is silent on whether this provision applies to mortgage foreclosures. FmHA's rule promulgated in 1972 applied the statute both to promissory notes, foreclosures of security instruments and other contract actions. The FmHA subsequently repromulgated the rule in 1976 (41 FR 40116, September 17, 1976) as a final rule making only editorial changes and redesignating the Subpart where the rule is contained. Its interpretation of the Federal statute remained the same. A court decision in 1979 (*Cracco* v. *Cox*, 414 N.Y.S.2d 404 (4th Dep't 1979) in a case involving FmHA held that the Federal Statute of Limitations did not apply to mortgage foreclosures. The Cracco case has been cited with approval by several Federal Courts. Accordingly, FmHA is repealing its rule in order to be consistent with these decisions, and to clarify its position. FmHA intends the repeal of 7 CFR part 1927, subpart A to take effect immediately, and apply to pending cases whether on appeal in the agency or in the courts. This rule has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making since it involves only internal agency management, making publication for comment unnecessary.

Environmental Impact Statement

This rule has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

For reasons set forth in the Final Rule related to Notice, 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), this activity is related to the following programs that are subject to intergovernmental consultation with state and local officials:

10.404—Emergency Loans
10.405—Farm Labor Housing Loans and Grants
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.410—Low Income Housing Loans
10.411—Rural Housing Site Loans
10.414—Resource Conservation and Development Loans
10.415—Rural Rental Housing Loans
10.416—Soil and Water Loans
10.417—Very Low-Income Housing Repair Loans and Grants
10.418—Water and Waste Disposal Systems for Rural Communities
10.419—Watershed Protection and Flood Prevention Loans
10.420—Rural Self-Help Housing Technical Assistance
10.421—Indian Tribes and Tribal Corporation Loans
10.422—Business and Industrial Loans
10.423—Community Facility Loans
10.427—Rural Rental Assistance Payments
10.428—Economic Emergency Loans
10.433—Housing Preservation Grants
10.434—Nonprofit National Corporations Loan and Grant Program
10.439—Intermediary Relending Program

List of Subjects in 7 CFR Part 1927

Accounting, Administrative practice and procedure, Credit, Loan programs—Agriculture.

Accordingly, under authority of 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301 and 7, CFR 2.23 and 2.70: Chapter XVIII of Title 7, Code of Federal Regulations is amended as follows:

PART 1927—FEDERAL STATUTE OF LIMITATIONS

Part 1927 is removed.

Dated: January 7, 1991.

La Verne Ausman,

Administrator Farmers Home Administration.

[FR Doc. 91–655 Filed 1–9–91; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 50

RIN 3150—AD79

Operations Center Area Code Telephone Number Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to change the current area code telephone number at the NRC Operations Center from (202) to (301). This action is necessary to implement changes initiated by the C&P Telephone Company to accommodate the increasing demand for telephone numbers in the metropolitan Washington, DC area. This amendment will provide the correct commercial telephone number for licensees to contact the NRC Operations Center.

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: M. L. Au, P.E., Regulatory Program Manager, Regulation Development Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–3749.

SUPPLEMENTARY INFORMATION: The C&P Telephone Company recently instituted a change to the dialing procedure for exchanges within the metropolitan Washington, DC, area due to the increasing demand for additional telephone numbers. These changes resulted in the mandatory use of the area code (301) when dialing the NRC Operations Center from locations outside the local Maryland area. The NRC licensees will revise their procedures and any other affected documentation to show the proper (301) area code for the NRC Operations Center.

Since this amendment deals with agency procedures, the notice and comment provisions of the Administrative Procedures Act (APA) do not apply pursuant to 5 U.S.C. 553(b)(A). The amendment is effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendment is of a minor and administrative nature dealing with a matter of agency conduct, i.e., a change in the area code of a telephone number.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

No regulatory impact analysis has been prepared for this amendment since it merely changes the area code of a telephone number that is currently being used by licensees under the existing regulations.

Backfit Analysis

The NRC has determined that the backfit rule 10 CFR 50.109 does not apply to this final rule because this rule will not impose a backfit as defined in § 50.109(a)(1). Therefore, a backfit analysis is not required for this rule.

List of Subjects

10 CFR Part 20

Byproduct material, Licensed material, Nuclear material, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Special Nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire protection, Incorporation by reference, Intergovernment relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements

For reasons set out in the preamble of this rule and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 20 and 50.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for part 20 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 20.403 [Amended]

2. In § 20.403 (d)(2), the commercial telephone number of the NRC Operations Center in Footnote 1 is revised to read "(301) 951–0550."

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. The authority citation for part 50 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 50.72 [Amended]

4. In § 50.72 (a)(2), the commercial telephone number of the NRC Operations Center in Footnote 3 is revised to read "(301) 951–0550."

Dated at Rockville, Maryland, this 28th day of December 1990.

For the Nuclear Regulatory Commission.

James M. Taylor

Executive Director for Operations.

[FR Doc. 91–584 Filed 1–9–91; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–276–AD; Amdt. 39–6858]

Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42 and ATR72 series airplanes, which requires a one-time test to detect crossed connectors in the hydraulic fluid quantity indicating system, and repair, if necessary. This amendment is prompted by a recent report of a false reading in the cockpit which indicated that the hydraulic fluid level was low; the false reading was due to crossed connectors in the hydraulic fluid indication system. This condition, if not corrected, could

result in unnecessarily shutting off the pump of the hydraulic system that falsely indicated a low level of hydraulic fluid; this could lead to the inability to extend the flaps and spoilers, as well as the loss of hydraulics for landing gear extension and braking.

EFFECTIVE DATE: January 29, 1991.

ADDRESSES: The applicable service information may be obtained from ATR, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: The direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Aerospatiale Model ATR42 and ATR72 series airplanes. There has been a recent report of a false reading in the cockpit which indicated that the hydraulic fluid level was low; the false reading was due to crossed connectors in the hydraulic fluid indication system. Two connectors (7GQA and 8GQA) were found crossed in the reservoir, causing a false indication in the cockpit of low hydraulic fluid. This condition, if not corrected, could result in unnecessarily shutting off the pump of the hydraulic system that falsely indicated a low level of hydraulic fluid. This could result in the inability to extend the flaps and spoilers, as well as the loss of hydraulics for landing gear extension and braking.

Aerospatiale has issued Alert Service Bulletins 42-29-A0013 and 72-29-A1003, both dated October 26, 1990, which describes procedures for a one-time test of the hydraulic fluid quantity indicating system, and repair, if necessary. The DGAC has classified these service bulletins as mandatory, and has issued Telegraphic Airworthiness Directive T90-193-032(B), dated October 31, 1990, addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires a one-time test of the hydraulic fluid quantity indicating system, and repair, if necessary, in accordance with the service bulletin previously described.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continue to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Applies to all Model ATR42 and ATR72 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent unnecessarily shutting off the pump of a hydraulic system that falsely indicated a low level of hydraulic fluid, accomplish the following:

A. Within 7 days after the effective date of this AD, perform a test of both hydraulic low level electrical circuits in accordance with Aerospatiale Alert Service Bulletins ATR42-29-A0013 and ATR72-29-A1003, both dated October 26, 1990, as appropriate. If crossed connectors are found, repair prior to further flight, in accordance with the appropriate service bulletin.

B. An alternate means of compliance of adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM-113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to ATR, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective January 29, 1991.

Issued in Renton, Washington, on January 2, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-528 Filed 1-9-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-ANE-39; Amdt. 39-6839]

Airworthiness Directives; CFM International (CFMI) CFM56 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to CFM56–3, –3B, –3C series turbofan engines, which requires installation of a new fan splitter fairing, and a new variable bypass valve (VBV) configuration. This amendment is promoted by three dual engine and one single engine power loss/flameout events which occurred while operating in heavy precipitation (rain and hail). This condition, if not corrected, could result in engine power loss or flameout while operating in heavy precipitation.

DATES: Effective—February 11, 1991.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of February 11, 1991.

ADDRESSES: The applicable service information may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Engine Certification Branch, ANE–142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7082.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to CFM56–3, –3B, –3C series turbofan engines, which would require installation of a new fan splitter fairing, and a new variable bypass valve (VBV) configuration, was published in the **Federal Register** on December 15, 1989 (54 FR 51418).

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received which supported the proposal as written.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except to modify the compliance end date to reflect the effective date of this AD.

There are approximately 1,450 CFMI 56–3, –3B, –3C engines of the affected design in the U.S. fleet. It is estimated that it will take approximately 14 manhours per engine to incorporate the 12 door VBV and 10 manhours per engine to incorporate the cutback splitter. Based on these figures, the total impact cost of this AD will be approximately $1,392,000. However, a CFMI warranty program has been established which results in no cost to the operator.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

CFM International: Applies to CFM International (CFMI) CFM56–3, –3B, –3C series turbofan engines, installed on, but not limited to, Boeing 737–300, 737–400 and 737–500 aircraft.

Compliance is required as indicated, unless previously accomplished.

To prevent engine power loss or flameout while operating in heavy precipitation, accomplish the following:

(a) Install fan splitter fairing, fan stage 1 vane assembly, and new centering shroud, in accordance with the Accomplishment Instructions contained in CFMI CFM 56–3, –3B, –3C series Service Bulletin (SB) 72–450, Revision 1, dated May 30, 1989, within 30 days after the effective date of this AD.

(b) Install the 12 door variable bypass valve (VBV) configuration in accordance with the Accomplishment Instructions contained in CFMI CFM56–3, –3B, –3C series SB 72–462, Revision 1, dated May 30, 1989, within 30 days after the effective date of this AD.

(c) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

The installation procedures shall be done in accordance with the following CFM International documents:

Document	Page No.	Revision	Date
CFMI CFM 56–3, –3B, –3C, SB 72–450	1–4, 6–26, 5	Revision 1	5/30/89
		Original	4/17/89
CFMI CFM 56–3, –3B, –3C, SB 72–462	1–27, 29–33, 28	Revision 1	5/30/89
		Original	4/10/89

This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati,

Ohio 45215. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, room 311, Burlington, Massachusetts 01803, or at the Office of the **Federal Register**, 1100 L Street, NW, Room 8301, Washington, DC 20591.

This amendment is effective February 11, 1991.

Issued in Burlington, Massachusetts, on December 6, 1990.

Hershel C. Jones

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91–529 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–AEA–11]

Establishment of Transition Area; Dahlgren, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a 700 foot Transition Area at Dahlgren, VA, to accommodate planned instrument approach procedures to the Naval Surface Warfare Center (NSWC) Dahlgren, Dahlgren, VA. This action establishes that amount of controlled airspace to segregate aircraft operating under instrument flight rules from those operating under visual flight rules in controlled airspace. Additionally, the status of the airport will be changed from VFR to IFR.

EFFECTIVE DATE: February 11, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Brewington, Airspace Specialist, System Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917–0857.

SUPPLEMENTARY INFORMATION:

History

On September 13, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new 700 foot Transition Area at Dahlgren, VA, to accommodate planned instrument approach procedures to the NSWC Dahlgren, Dahlgren, VA (55 FR 40200). The additional airspace would segregate aircraft operating under visual flight rules in controlled airspace from aircraft operating under instrument flight rules. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with appropriate IFR procedures.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments on the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G, September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a new 700 foot Transition Area at Dahlgren, VA, to accommodate planned instrument approach procedures at NSWC Dahlgren, Dahlgren, VA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.81 is amended as follows:

Dahlgren, VA [New]

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of NSWC Dahlgren (lat. 38°19'58" N., long. 77°02'14" W.), excluding that airspace which overlaps Restricted Areas R–6611A and R–6612. This Transition Area is effective from 0600 to 2300 local, daily.

Issued in Jamaica, New York, on December 13, 1990.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91–530 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–ASO–20]

Revocation of Transition Area, Aurora, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Aurora, NC transition area. The transition area was designed to afford controlled airspace for protection of instrument flight rules (IFR) aircraft executing a planned nondirectional radio beacon (NDB) standard instrument approach procedure (SIAP) to the Lee Creek Airport. The NDB upon which the SIAP was predicated was never placed in service. In the absence of definite plans to establish instrument approach procedures, no requirement exists for the transition area.

EFFECTIVE DATE: 0901 u.t.c., April 4, 1991.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On November 2, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by revoking the Aurora, NC transition area (53 FR 46221). The transition area was designed for protection of IFR aeronautical operations at the Lee Creek Airport. An NDB was planned which would have supported an instrument approach procedure. The NDB was never commissioned. In the absence of existing or planned IFR aeronautical operations, no requirement exists for the transition area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comment on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was

republished in FAA Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Aurora, NC transition area. The transition area was established to afford controlled airspace protection for IFR aircraft executing an NDB SIAP to the Lee Creek Airport. The NDB was never commissioned. In the absence of current or planned IFR aeronautical operations at the airport, no requirement exists for the transition area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Aurora, NC [Removed]

Issued in East Point, Georgia, on December 27, 1990.

Don Cass,

Acting Manager, Air Traffic Div., Southern Region.

[FR Doc. 91–557 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90–AEA–08]

Alteration of Control Zone and Transition Area; Lewisburg, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice revises the Control Zone and 700 foot Transition Area at Lewisburg, WV, established for the Greenbrier Valley Airport, Lewisburg, WV, due to the reorganization of air traffic control procedures in the area. Additionally, the geographic coordinates of the airport are being updated in each description to reflect the actual location of the airport. This action reduces that amount of controlled airspace to that which is deemed necessary by the FAA to contain aircraft operating under instrument flight rules from the surface to the base of adjacent controlled airspace.

EFFECTIVE DATE: February 11, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917–0857.

SUPPLEMENTARY INFORMATION:

History

On September 13, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Control Zone and 700 foot Transition Area at Lewisburg, WV, established for the Greenbrier Valley Airport, Lewisburg, WV (55 FR 40398). The proposed action would reduce that amount of controlled airspace to that which is actually required by the FAA to contain aircraft operating under an instrument flight plan to the base of adjacent controlled airspace. Additionally the geographic coordinates for the airport are being updated in each description to reflect the actual location.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments on the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of part 71 of the Federal Aviation Regulations were republished in FAA Handbook 7400.6G, September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revises the Control Zone and 700 foot Transition Area established at Lewisburg, WV, for the Greenbrier Valley Airport, Lewisburg, WV, due to the reorganization of air traffic control procedures in the area. Additionally, the geographic coordinates of the airport are being updated to reflect the actual location of the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983), 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Lewisburg, WV [Revised]

Within a 5-mile radius of the center of the Greenbrier Valley Airport, Lewisburg, WV (lat. 37°51'30" N., long. 80°23'59" W.); within 4 miles either side of a 218° (T) 224° (M) bearing from the BUSHI LOM, extending from a point 8.5 miles southwest of the LOM to the 5-mile radius area. This Control Zone is effective during the specific dates and times established in advance by a Notice to

Airmen. The effective times will thereafter be published in the Airport/Facility Directory.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lewisburg, WV [Revised]

Within a 9.5-mile radius of the center of the Greenbrier Valley Airport, Lewisburg, WV (lat. 37°51'30" N., long. 80°23'59" W.); within 5 miles either side of a 218° (T) 224° (M) bearing from the BUSHI LOM, extending from the 9.5-mile radius area to 11.5 miles southwest of the LOM.

Issued in Jamaica, New York, on December 5, 1990.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91-556 Filed 1-9-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26415; Amdt. No. 1442]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference. Issued in Washington, DC on December 21, 1990.

Thomas C. Accardi,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard

Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective February 7, 1991

Paragould, AR—Kirk Field, NDB RWY 4, Amdt. 3
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, NDB RWY 9R, Amdt. 9
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, NDB RWY 18R, Amdt. 14
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 9R, Amdt. 11
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 18L Orig.
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 18R, Amdt. 15
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 27L, Amdt. 11
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 36L, Amdt. 34
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, RADAR-1, Amdt. 21
Natchitoches, LA—Natchitoches Regional, LOC RWY 34, Amdt. 1
Natchitoches, LA—Natchitoches Regional, NDB RWY 34, Amdt. 2
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 3L, Amdt. 13
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 3R, Amdt. 12
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 21L, Amdt. 8
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 27, Amdt. 8
Detroit, MI—Detroit Metropolitan Wayne County, NDB RWY 3C, Amdt. 12
Detroit, MI—Detroit Metropolitan Wayne County, NDB RWY 27, Amdt. 9
Philadelphia—MS—Philadelphia Muni, NDB RWY 18, Orig.
Mocksville, NC—Twin Lakes, NDB RWY 9, Amdt. 4
Sidney, OH—Sidney Muni, VOR RWY 22, Amdt. 10
Sidney, OH—Sidney Muni, RNAV RWY 28, Amdt. 3
Clarksville, TN—Outlaw Field, LOC RWY 35, Amdt. 5
Cleburne, TX—Cleburne Muni, VOR/DME-A, Amdt. 3
Cleburne, TX—Cleburne Muni, VOR/DME RNAV RWY 15, Amdt. 1
Cleburne, TX—Cleburne Muni, VOR/DME RNAV RWY 33, Amdt. 2
Harlingen, TX—Rio Grande Valley Intl, VOR RWY 13, Amdt. 11
Harlingen, TX—Rio Grande Valley Intl, VOR/DME RWY 31, Amdt. 2
Harlingen, TX—Rio Grande Valley Intl, LOC BC RWY 35L, Amdt. 11
Harlingen, TX—Rio Grande Valley Intl, NDB RWY 17L, Amdt. 4
Harlingen, TX—Rio Grande Valley Intl, NDB RWY 17R, Amdt. 10
Harlingen, TX—Rio Grande Valley Intl, ILS RWY 17R, Amdt. 10
Houston, TX—Weiser Air Park, NDB-A, Orig.

Effective January 10, 1991

Keene, NH—Dillant-Hopkins, LOC RWY 2, Orig.
Keene, NH—Dillant-Hopkins, ILS RWY 2, Amdt. 12, CANCELLED

Effective December 18, 1990

Petersburg, WV—Grant County, LDA/DME-B, Amdt. 1

Effective December 17, 1990

Lompoc, CA—Lompoc, VOR/DME-A, Amdt. 3
Kahului, HI—Kahului, LOC/DME (BC) RWY 20, Amdt. 12
Kahului, HI—Kahului, ILS RWY 2, Amdt. 21

Effective November 17, 1990

Cold Bay, AK—Cold Bay, LOC/DME BC RWY 32, Amdt. 6

[FR Doc. 91-558 Filed 1-9-91; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26428; Amdt. No. 1443]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination: 1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase: Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription: Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The

provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Incorporation by reference, Standard instrument.

Issued in Washington, DC on January 4, 1991.

Thomas C. Accardi,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

PART 97—[AMENDED]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective April 4, 1991

Williamston, NC—Martin County, NDB RWY 21, Amdt. 4
Bridgeport, TX, Bridgeport Muni, VOR–A, Amdt. 4
Midland, TX—Midland Airpark, VOR/DME RWY 25, Amdt. 3
Midland, TX—Midland Airpark, VOR–A, Amdt. 2

Effective March 7, 1991

Bellefonte, PA—Bellefonte, VOR–A, Orig.

Effective February 7, 1991

La Grange, GA—Callaway, VOR RWY 13, Amdt. 15
La Grange, GA—Callaway, ILS RWY 31, Amdt. 1
La Grange, GA—Callaway, RNAV RWY 31, Amdt. 3
Clarksville, TN—Outlaw Field, VOR RWY 35, Amdt. 15
Clarksville, TN—Outlaw Field, NDB RWY 35, Amdt. 5
Fort Worth, TX—Fort Worth Spinks, ILS, RWY 35, Orig.
Stephenville, TX—Clark Field Muni, VOR/DME–A, Amdt. 3

Effective December 13, 1990

Peachtree City, GA—Falcon Field, RNAV RWY 31, Amdt. 3

Effective November 17, 1990

Cold Bay, AK—Cold Bay, VOR RWY 14, Amdt. 12

[FR Doc. 91–559 Filed 1–9–91; 8:45 am]
BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 89]

Staff Accounting Bulletin No. 89

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: The interpretations in this staff accounting bulletin express certain views of the staff regarding the application of Rules 3–05 and 11–01 of Regulation S–X and the availability of waivers of certain financial statement requirements with respect to troubled financial institutions acquired or to be acquired that are required to be included in filings with the Commission.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Gregory W. Norwood, Office of the Chief Accountant (202–272–2130), or Robert Bayless, Division of Corporation Finance (202–272–2553), Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Dated: January 7, 1991.

Margaret H. McFarland,

Deputy Secretary.

PART 211—[AMENDED]

Accordingly, part 211 of title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 89 to the table found in subpart B.

Staff Accounting Bulletin No. 89

The staff hereby adds Section K to Topic 1 of the staff accounting bulletin series. Topic 1–K sets forth the administrative policy of the Division of Corporation Finance and the Office of the Chief Accountant as to the application of Rules 3–05 and 11–01 of Regulation S–X to the requirements for financial statements of troubled financial institutions acquired or to be acquired which are required to be included in filings with the Commission.

Topic 1: Financial Statements

* * * * *

K. *Financial statements of acquired troubled financial institutions.*

Facts: Federally insured depository institutions are subject to regulatory oversight by various federal agencies including the Federal Reserve, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation and Office of Thrift Supervision. During the 1980's, certain of these institutions experienced significant financial difficulties resulting in their inability to meet necessary capital and other regulatory requirements. The Financial Institutions Reform, Recovery and Enforcement Act of 1989 was adopted to address various issues affecting this industry.

Many troubled institutions have merged into stronger institutions or reduced the scale of their operations through the sale of branches and other assets pursuant to recommendations or directives of the regulatory agencies. In other situations, institutions that were taken over by or operated under the management of a federal regulator have been reorganized, sold or transferred by that federal agency to financial and non-financial companies.

A number of registrants have acquired, or are contemplating acquisition of, these troubled financial institutions. Complete audited financial statements of the institutions for the periods necessary to comply fully with Rule 3–05 of Regulation S–X may not be reasonably available in some cases. Some troubled institutions have never obtained an audit while others have been operated under receivership by regulators for a significant period without audit. Auditors' reports on the financial statements of some of these acquirees may not satisfy the requirements of Rule 2–02 of Regulation S–X because they contain qualifications due to audit scope limitations or disclaim an opinion.

A registrant that acquires a troubled financial institution for which complete audited financial statements are not reasonably available may be precluded from raising capital through a public offering of securities for up to three years following the acquisition because of the inability to comply with Rule 3–05.

Question 1: Are there circumstances under which the staff would conclude that financial statements of an acquired troubled financial institution are not required by Rule 3–05?

Interpretive Response: Yes. In some cases, financial statements will not be required because there is not sufficient continuity of the acquired entity's operations prior to and after the acquisition so that disclosure of prior financial information is material to an understanding of future operations, as discussed in Rule 11–01 of Regulation S–X. For example, such a circumstance may exist in the case of an acquisition solely of the physical facilities of a banking branch with assumption of the related deposits if neither income-producing assets (other than treasury bills and similar low-risk investments) nor the management responsible for its historical investment and lending activities transfer with the branch to the registrant. In this and other circumstances where the registrant can persuasively demonstrate that continuity of operations is substantially lacking and a representation to this effect is included in the filing, the staff will not object to the omission of financial statements. However, applicable disclosures specified by Industry Guide 3, Article 11 of Regulation S–X (pro forma information), and other information which is descriptive of the transaction and of the assets acquired and liabilities assumed should be furnished to the extent reasonably available.

Question 2: If the acquired financial institution is found to constitute a business having material continuity of operations after the transaction, are there circumstances in which the staff will waive the requirements of Rule 3–05?

Interpretive Response: Yes. The staff believes the circumstances surrounding the present restructuring of U.S. depository institutions are unique. Accordingly, the staff has identified situations in which it will grant a waiver of the requirements of Rule 3–05 of Regulation S–X to the extent that audited financial statements are not reasonably available.

For purposes of this waiver a "troubled financial institution" is one which either:

(a) Is in receivership, conservatorship or is otherwise operating under a similar supervisory agreement with a federal financial regulatory agency; or

(b) Is controlled by a federal regulatory agency; or

(c) Is acquired in a federally assisted transaction.

A registrant that acquires a troubled financial institution that is deemed significant pursuant to Rule 3–05 may omit audited financial statements of the acquired entity if such statements are not reasonably available and the total acquired assets of the troubled institution do not exceed 20% of the registrant's assets before giving effect to the acquisition. The staff will consider requests for waivers in situations involving more significant acquisitions where federal financial assistance or guarantees are an essential part of the transaction, or where the nature and magnitude of federal assistance is so pervasive as to substantially reduce the relevance of such information to an assessment of future operations. Where financial statements are waived, disclosure concerning the acquired business as outlined in response to Question 3 must be furnished.

Question 3: Where historical financial statements meeting the requirements of Rule 3–05 of Regulation S–X are waived, what financial statements and other disclosures would the staff expect to be provided in filings with the Commission?

Interpretive Response: Where complete audited historical financial statements of a significant acquiree that is a troubled financial institution are not provided, the staff would expect filings to include an audited statement of assets acquired and liabilities assumed if the acquisition is not already reflected in the registrant's most recent audited balance sheet at the time the filing is made. Where reasonably available, unaudited statements of operations and cash flows that are prepared in accordance with generally accepted accounting principles and otherwise comply with Regulation S–X should be filed in lieu of any audited financial statements which are not provided if historical information may be relevant.

In all cases where a registrant succeeds to assets and/or liabilities of a troubled financial institution which are significant to the registrant pursuant to the tests in Rule 1–02(v) of Regulation S–X, narrative descriptions would be required, quantified to the extent practicable, of the anticipated effects of the acquisition on the registrant's financial condition, liquidity, capital resources and operating results. If federal financial assistance (including any commitments, agreements or understandings made with respect to capital, accounting or other forebearances) may be material, the limits, conditions and other variables affecting its availability should be disclosed, along with an analysis of its likely short term and long term effects on cash flows and reported results.

If the transaction will result in the recognition of any significant intangibles that cannot be separately sold, such as goodwill or a core deposit intangible, the discussion of the transaction should describe the amount of such intangibles, the necessarily subjective nature of the estimation of the life and value of such intangibles, and the effects upon future results of operations, liquidity and capital resources, including any consequences if a recognized intangible will be excluded from the calculation of capital for regulatory purposes.

The discussion of the impact on future operations should specifically address the period over which intangibles will be amortized and the period over which any discounts on acquired assets will be taken into income. If amortization of intangibles will be over a period which differs from the period over which income from discounts on acquired assets will be recognized (whether from amortization of discounts or sale of discounted assets), disclosure should be provided concerning the disparate effects of the amortization and income recognition on operating results for all affected periods.

Information specified by Industry Guide 3 should be furnished to the extent applicable and reasonably available. For the categories identified in the Industry Guide, the registrant should disclose the carrying value of loans and investments acquired, as well as their principal amount and average contractual yield and term. Amounts of acquired investments, loans, or other assets that are nonaccrual, past due or restructured, or for which other collectibility problems are indicated should be disclosed. Where historical financial statements of the acquired entity are furnished, pro forma information presented pursuant to Rule 11–02 should be supplemented as necessary with a discussion of the likely effects of any federal assistance and changes in operations subsequent to the acquisition. To the extent historical financial statements meeting all the requirements of Rule 3–05 are not furnished, the filing should include an explanation of the basis for their omission.

Question 4: If an audited statement of assets acquired and liabilities assumed is required but certain of the assets conveyed in the transaction are subject to rights allowing

the registrant to put the assets back to the seller upon completion of a due diligence review, will the staff grant an extension of time for filing the required financial statement until the put period lapses?

Interpretive Response: If it is impracticable to provide an audited statement at the time the Form 8–K reporting the transaction is filed, an extension of time is available under certain circumstances. Specifically, if more than 25% of the acquired assets may be put and the put period does not exceed 120 days, the registrant should timely file a statement of assets acquired and liabilities assumed on an unaudited basis with full disclosure of the terms and amounts of the put arrangement. Within 21 days after the put period lapses, the registrant should furnish an audited statement of assets acquired and liabilities assumed unless the effects of the transaction are already reflected in an audited balance sheet which has been filed with the Commission. However, until the audited financial statement has been filed, certain offerings under the Securities Act of 1933 would be prevented, as described in Instruction 2 to Item 7 of Form 8–K.

[FR Doc. 91–544 Filed 1–9–91; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 811

RIN 0701–AA28

Release, Dissemination, and Sale of Visual Information Materials

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force revised the regulation establishing policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. This revision updates terminology, functional addresses and information on requesting visual material. The purpose of this notice is to inform the public of these changes.

EFFECTIVE DATE: February 11, 1991.

ADDRESSES: HQ USAF/SCV, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Ray Dabney, HQ USAF/SCV, Washington, DC 20330, telephone (202) 695–9610.

SUPPLEMENTARY INFORMATION: The Department of the Air Force published a proposed rule in the **Federal Register** on October 11, 1990, establishing policy on the release, dissemination, and sale of Air Force VI materials (55 FR 41348). No comments were received.

The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This certification is provided in accordance with the provisions of the Regulatory Flexibility Act, Title 5, United States Code, section 605(b).

It is hereby certified that this final rule does not exert a significant economic impact on a substantial number of small entities. This determination is made based upon the fact that the rule merely recodifies the procedural and policy aspects of the Air Force program for the sale, distribution or release of reproductions of Air Force visual information materials, including guidance on how such information may be requested and obtained. It imposes no new requirements, rights or benefits on small entities and will have neither an adverse nor beneficial impact on same.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

List of Subjects in 32 CFR Part 811

Classified information, Motion pictures, Television.

Therefore, 32 CFR part 811 is revised to read as follows:

32 CFR PART 811—RELEASE, DISSEMINATION, AND SALE OF VISUAL INFORMATION MATERIALS

Sec.

Authority: 10 U.S.C. 8013.

§ 811.0 Purpose.

This part establishes policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. It implements 32 CFR part 288 (Department of Defense (DOD) Instruction 7230.7), DOD Directive 4000.19, DOD Directive 7290.3–M, and DOD Directive 5040.2. It is used with 32 CFR part 806 (AFR 12–30, Air Force Freedom of Information Act Program); part 812 (AFR 12–32, Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material); AFR 177–108 [1], Paying and Collecting Transactions at Base Level; Part 837 (AFR 190–1, Public Affairs Policies and Procedures); and AFR 205–1, Information Security Program. It applies to all Air Force personnel including United States Air Force Reserve and Air National Guard units and members. The term major command (MAJCOM), when used in this part, includes separate operating agencies and direct reporting units.

§ 811.1 Exclusions.

This volume does not apply to:

(a) The sale of aerial reconnaissance or cartographic type photography. Request this photography from the Defense Mapping Agency/ODS, ATTN: DDCP, Washington, DC 20315–0020.

(b) The sale of completed productions. Send requests for purchase of completed Air Force productions to the National Archives and Records Administration, National Audiovisual Center, Information Office, 8700 Edgeworth Drive, Capitol Height, MD 20722–3701.

(c) VI materials made for the Air Force Office of Special Investigations (AFOSI) for use in an investigation or a counterintelligence report. Part 806 and AFR 124–4, Requesting AFOSI Investigations and Safeguarding, Handling and Releasing Information from AFOSI Reports, show who may use these VI materials.

(d) VI materials made for aircraft and missile mishap investigators for investigations of Air Force aircraft and missile mishaps per AFR 127–4, Investigating and Reporting US Air Force Mishaps. Part 806 and AFR 124–4 show who may use these materials.

§ 811.2 Terms explained.

The following definitions apply to this part.

(a) *Release.* The responsible Air Force agency approval to disseminate copies of Air Force VI materials to public agencies, commercial concerns, governments, and so forth. Air Force agencies with releasing authority are listed in § 811.4 of this part. Depending on subject matter, some VI materials may receive automatic or prerelease approval.

(b) *Dissemination.* The DOD Records Center distribution of VI materials approved for release by the authorized Air Force agency. VI materials may be

[1] Air Force publications are available through NTIS, 5285 Port Royal Road, Springfield, VA 22161.

sold or distributed, with or without charge, depending on the circumstances listed in § 811.5 of this part.

(c) *Sale.* The collection of money by the DOD records centers for VI products disseminated to activities outside the Federal Government. See § 811.5 of this part for determining when the sale of materials is warranted.

(d) *VI materials.* Normally, still photography, motion pictures, and videos acquired by Air Force organizations as official documentation of Air Force operations and activities, and stored by the DOD still and motion media records centers.

§ 811.3 Agencies authorized to release VI materials.

(a) According to part 837 of this chapter (AFR 190–1), the Secretary of the Air Force, Office of Public Affairs (SAF/PA), may release VI materials to:

(1) News media, commercial publications, or electronic mail.

(2) Motion picture and television entertainment companies.

(3) Industries.

(4) Nonprofit organizations.

(5) Agencies outside the Federal Government.

(6) The general public (not associated with the news media).

(b) The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL), arranges for the release of VI material through SAF/PA upon request from members of Congress and provides such material for official use.

(c) The International Affairs Division (HQ USAF/CVAII) (or, in some cases, MAJCOM Foreign Disclosure Office) must authorize release of classified and unclassified materials for use by foreign governments and international organizations or their representatives.

§ 811.4 Policy on the dissemination and sale of VI products.

(a) *Sale of VI material.* Although copies of Air Force VI products may be sold, Air Force policy prohibits competition with commercial industry. When VI materials are sold outside the Federal Government, charges and fees must be assessed according to part 812.

(b) *Dissemination of VI material to state and local governments.* Copies of VI materials that meet the requirements of this part may be loaned or sold to state and local governments, or any tax exempt organization under Title III of the 1968 Intergovernmental Cooperation Act. The requester must certify that the materials are not available from commercial sources. The Air Force Central Visual Information Library (AFCVIL), managed by 1352d Audiovisual Squadron, Norton AFB CA 92409–5996, is the central source for loan of current, completed Air Force VI productions.

(c) *Disseminating and selling activities.* Dissemination and sale of Air Force VI documentation is accomplished by the DOD Motion Media Records Center, operated by the 1352d Audiovisual Squadron (AAVS) (MAC), Norton AFB CA 92409–5996 and the DOD Still Media Records Center, operated by the US Navy at the Anacostia Naval Station, Washington, DC 20374–1681.

(d) *Sale of original VI material.* Original VI material is not for sale. Reproductions of the original may be sold. HQ USAF/SCV may authorize the loan of copies or duplicates of original material for Federal Government use. SAF/PA may lend copies of original material to agencies outside the Federal Government and to the public.

(1) DOD VI records centers use only government-owned VI material in servicing approved requests for dissemination and sale. The use of nongovernment VI material requires written permission from the owner.

(2) Production of material for sale must not stop or slow official Air Force work or be used to justify facility expansion or additional manpower.

(e) *Requests and services exempt from fees.* According to part 813, the sources below are exempt from paying fees if funds are available for producing the material, production does not impair the mission of the furnishing agency, all clearances and releases specified by this part have been obtained, and the work can be done during normal duty hours. When requests cannot be accomplished within the above criteria, fees must be paid by the requester.

(1) DOD and other government agencies requesting VI materials for official activities (DOD Directive 4000.19 and DOD Directive 5040.2).

(2) Members of Congress requesting VI materials for use in official activities.

(3) VI records center materials or services furnished according to law or Executive order.

(4) Federal, state, territorial, county, or municipal governments, or their agencies, for functions related to or furthering an Air Force or other DOD objective.

(5) Nonprofit organizations for functions related to public health, education, or welfare.

(6) Members of the Armed Forces in a casualty status, their next of kin, or authorized representative, when the requested VI material relates to the member and does not compromise classified information or the work of an accident investigation board.

(7) The general public, to further the Armed Forces recruiting program or public understanding of the Armed Forces, when such VI materials or services are determined by SAF/PA to be in the best interest of the Air Force.

(8) Incidental or occasional requests for VI records center materials or services (including requests from residents of foreign countries) when it is determined that fees would be inappropriate. (For the distribution of VI materials to foreign nations, see AFR 190–1).

(9) Legitimate news organizations working on news-related productions, news documentaries, or print products intended to inform the public on Air Force activities.

§ 811.5 Restrictions on the use of government VI records.

Activities sending materials to the DOD VI records centers must make sure that any limitation on use is noted on the materials. The following restrictions on VI material disseminated or sold from the records centers must also be observed:

(a) Materials must not be used to endorse a commercial service or product.

(b) Rights to official Air Force VI material may not be claimed by any other government agency or person.

(c) The waiver of proprietary and privacy rights cannot be granted with the sale or release of VI materials unless these rights and the rights of transfer are owned by the Air Force.

(d) VI materials received from Air Force contractors may be released, disseminated, or sold if not identified as proprietary material in the applicable contract.

(e) When provisions of formal agreements between the Air Force and other government agencies on release of VI materials differ from this part, the provisions of the formal agreements apply.

§ 811.6 Procedures for requesting VI materials.

(a) Informal inquiries may be made to the appropriate DOD records center on VI materials available in broad subject areas. Informal inquiries are not formal requests. Research of, or access to, materials are provided only in response to a formal request. Inquiries regarding motion picture or television materials should be sent to the DOD Motion Media Records Center (1352 AVS/DO, Norton AFB CA 92409–5996). Inquiries regarding still photo materials should be sent to the DOD Still Media Records

Center, ATTN: Code SSRC, Washington, DC 20374–1681.

(b) Submit formal requests according to §§ 811.9 and 811.10. When notified of approval, the requester may communicate directly with the DOD Motion Media Records Center to select materials. Air Force still photography customers must contact the 1361st AVS/DOSC, Andrews AFB DC 20334 to select still photo materials.

§ 811.7 How to collect fees.

(a) When appropriate, the Air Force or DOD activity making the sale collects the funds in advance. Exceptions include requirements where actual cost cannot be determined until work is completed. For example, television and motion picture services where the charge is by minute or footage.

(b) The fees due the United States must be paid by cash, United States Treasury check, certified check, cashier's check, bank draft, or postal money order.

§ 811.8 Schedule of fees.

Fees are established by DOD and are as follows:

(a) Still photography. Still pictorial or documentary photographic prints. Unlisted standard sizes of prints may be furnished, if available, at prevailing contract or activity rates.

	Quantity:	Price per print		
	1–9	10–20	21–50	50+
8"×10" single weight (RC type) paper	$4.50	$3.25	$2.50	$1.75
11"×14" single weight (RC type) paper	9.00	7.00	5.00	4.00
16"×20" single weight (RC type) paper	19.00	15.00	12.00	9.50
20"×24" single weight (RC type) paper	30.00	25.00	20.00	15.00
8"×10" single weight color paper	11.00	7.50	3.50	3.00
11"×14" single weight color paper	17.00	9.00	6.50	5.50
16"×20" single weight (RC type) paper	35.00	25.00	14.00	11.50
35mm color transparency slide made from color negative	5.00	3.50	3.00	3.00
35mm duplicate from 35mm slide	1.00	.60	.50	.45
Print mounted on 16"×20" cardboard	8.00	(1)	(1)	(1)
Print mounted on 20"×24" cardboard	12.00	(1)	(1)	(1)
8"×10" color transparencies	[2]20.00	(2)	(2)	(2)
4"×5" color transparencies	4.50	(2)	(2)	(2)
4"×5" B&W negative	2.00	(2)	(2)	(2)
70mm color negative	7.50	(2)	(2)	(2)

[1] Unit price per unit.
[2] (First); 16. each additional.

Note: DOD Still Records Center photographic services are not normally done in house by DOD. Charges for processing and services will be at prevailing contract or commercial rates or at government cost, whichever is higher. All prices are subject to change without notice. Fees for copies of photographs which are part of a patient's medical record should be coordinated with the Patient Affairs Officer at the medical treatment facility.

(b) Motion picture.

	Price per foot contact
Color:	
16mm work print (positive work print from an original negative.	$.20
16mm reversal work print.	.20
16mm duplicate negative (from master positive).	.60
16mm interpositive/internegative.	.85
16mm internegative (from reversal original).	.70
16mm tab-to-tab printing.	.20 +basis price
Black and White:	
16mm master positive (fine grain).	.25
16mm duplicate negative.	.25
16mm tab-to-tab printing.	.10 +basic price
Miscellaneous:	
Magnetic tape dub from 16mm film.	$65.00
Searching (first hour minimum then fraction thereof).	100.00/25.00
16mm film to videotape transfer.	5.00 per minute
Videotape to videotape transfer.	5.00 per minute

Note: Some motion picture services are not done in house by the DOD. Charges for these types of processing and services will be at prevailing contract or commercial rates or at government cost, whichever is higher. Prices are subject to change without notice.

BILLING CODE 3910-01-M

§811.9 Request for motion media.

RULE	A	B	C	D	E
	If the requester is	and material requested is: unclassified	and material requested is: classified	then furnish in writing the	and send the request to
1	news media	x	— —	— —	SAF/PA, Wash DC 20332-6468 for regional, national or international release; servicing PA for local release.
2	the general public including entertainment, documentary, advertisers, industrial media producers, editors & writers	x	— —	sequence outline of script; intended use of the film/video; type of film stock needed (neg, interneg, print, 3/4" video tape); approx number of screen feet	SAF/PA, Wash DC 20332-6468
3	an Air Force or other Federal Government agency	x	— —	intended use of the film/video type stock needed (neg, interneg, print, 3/4" video tape), approx number of screen feet/minutes	1352 AVS/DO, Norton AFB CA 92409-5996
4	a Federal Government contractor (to meet VI requirements specified in federal contract)	x	— —	intended use of the material; type of material needed (print, neg, interneg, video); required number of prints, slides, negs, etc.; a full justification for access to classified material (if applicable)	USAF plant representative.
5	an Air Force contractor (to meet VI requirements specified in a USAF contract)	— —	x		USAF plant representative
6	a Federal Government contractor (to provide material for public release)	x	— —		
7	USAF plant representative (to provide material to Federal Government contractor that is specified in federal contract)	x	— —		1352 AVS/DO, Norton AFB, CA 92409-5996
8	USAF plant representative (to provide material to Federal Government contractor for release to public)	x	— —		SAF/PA, 1352 AVS/DO IN TURN
9	USAF plant representative (to provide material to an Air Force contractor that was specified in USAF contract)	— —	x		AFLC (PMK) 1352 AVS/DO IN TURN
10	non-Federal Government agency (state, county, territorial, municipal)	x	— —	intended use of VI materials; type of film, video tape stock needed (neg, interneg, print, 3/4", 1", etc.); approx number of screen feet/minutes; a certification that requested material cannot be procured reasonably and expeditiously through normal business channels	SAF/PA, Wash DC 20332-6468
11	members of Congress	x	x	intended use of VI products; type of film/video stock needed (neg, interneg, print, 3/4" 1" etc.); approx number of screen feet; full justification for access to classified material (if applicable)	SAF/LL, Wash DC 20332-6468
12	foreign governments, international organizations or their representatives	x	x		HQ USAF/CVAII or MAJCOM (if delegated authority)
13	foreign nationals or foreign industries (other than representatives of foreign governments or international organizations)	x	— —		ICA office serving the foreign country (see note)
14	same as 13	— —	x		HQ USAF/CVAII or MAJCOM (if delegated authority)
15	an Air Force activity	— —	x		MAJCOM Functional OPR coordinated with MAJCOM VI Manager 1352 AVS/DO IN TURN
16	other non-Air Force activities	— —	x	intended use of VI product; type of film stock/video tape needed (neg, interneg, print, 3/4", 1" tape, etc.); approx number of screen feet; full justification for access to classified material; a statement describing the measures to be taken—at least equal to those in DOD 5200.1R/AFR 205-1, to safeguard and protect the material against unauthorized disclosure	HQ USAF/SCV, Wash DC 20330-5150

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330-1000, for coordination with HQ USAF/CVAII and ICA clearance

§811.10 Requests for still media.

RULE	A	B	C	D	E
	If the requester is	and material requested is: unclassified	and material requested is: classified	then furnish in writing the	and send the request to
1	news media	X	--		SAF/PA, Wash DC 20332-6468 for regional, national or international release; servicing PA for local release.
2	general public (including entertainment, documentary, advertisers, industrial media producers, editors, and writers)	X	--	story outline or ad copy; intended use of the material; type of material needed (print, neg, interneg, etc.); required number of prints, slides, etc.	SAF/PA, Wash DC 20332-6468
3	other DOD or Federal Government agency	X	--	intended use of material, type of material needed (print, neg, interneg, etc.), required number of prints, slides, etc., a full justification for access to classified material (if applicable)	DOD Still Media Records Center ATTN: Code SSRC Anacostia Naval Station Wash DC 20374-1681
4	Air Force activity	X	--		1361 AVS/DOSC, Andrews AFB DC 20331-5997
5	Federal Government contractor (to meet VI requirements specified in federal contract)	X	--		USAF plant representative
6	Federal Government contractor (to provide material for public release)	X	--		USAF plan representative
7	Air Force contractor (to meet VI requirements specified in a USAF contract)	--	X		USAF plant representative
8	USAF plant representative (to provide material to an Air Force contractor that is specified in a USAF contract)	--	X		AFLC/PMK, 1361 AVS/DOSC, Andrews AFB, DC 20331-5997 IN TURN
9	USAF plant representative (to provide material to a Federal Government contractor that is specified in a federal contract)	X	--		1361 AVS/DOSC, Andrews AFB, DC 20331-5997
10	USAF plant representative (to provide material to Federal Government contractor for release to public)	X	--		SAF/PA, 1361 AVS/DOSC, Andrews AFB, DC 20331-5997 IN TURN
11	non-Federal Government agency (state, country, territorial, municipal)	X	--	intended use of the material; type of material needed (neg, print, interneg, etc.); required number of prints, slides, etc; certification that requested material cannot be procured reasonably and expeditiously through ordinary business channels; full justification for access to classified material	SAF/PA, Wash DC 20332-6468
12	members of Congress	X	X		SAF/LL, Wash DC 20332-6468
13	foreign governments, international organizations or their representatives	X	X	intended use of the material; type of material needed (print, neg, interneg, etc.); required number of prints, slides, etc.; a full justification for access to classified material (if applicable)	HQ USAF/CVAII or MAJCOM (if delegated authority)
14	foreign nationals or foreign industries other than representatives of foreign governments or international organizations	X	--		ICA office serving the foreign country (see note), 1361 AVS/DOSC, Andrews AFB DC 20331-5997, IN TURN.
15	same as 14	--	X		HQ USAF/CVAII or MAJCOM (if delegated authority)
16	Air Force activity	--	X		MAJCOM Functional OPR in conjunction with MAJCOM VI Manager, 1361 AVS/DOSC, IN TURN
17	non-Air Force activity	--	X	intended use of the material; type of material needed (neg, print, interneg, etc.); a full justification for access to classified material; a statement describing the measures taken to protect the material against unauthorized disclosure (must be at least equal to those in DOD 5200.1-R/AFR205-1)	HQ USAF/SCV, Wash DC 20330-5190

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20332-6468 for coordination with HQ USAF/CVAII and PA clearance.

[FR Doc. 91-565 Filed 1-9-91; 8:45 am]
BILLING CODE 3910-01-C

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1152

Employee Responsibilities and Conduct

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its March 14, 1990 meeting adopted amendments to 36 CFR part 1152: Employee Responsibilities and Conduct, which sets forth the agency's ethics regulations. The amendments were adopted to consolidate the duties of the ethics officer under the Office of General Counsel and to comply with the financial reporting requirements of Office of Government Ethics and the Office of Personnel Management.

The amendments to part 1152, Employee Responsibilities and Conduct, are being published so that all affected persons will be fully informed about the agency's ethics regulations and guidelines.

EFFECTIVE DATE: November 14, 1990.

FOR FURTHER INFORMATION CONTACT: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th St. NW., suite 501, Washington, DC (202) 653–7834 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 11222, the Architectural and Transportation Barriers Compliance Board adopted its regulations on standards of ethical conduct for its employees on September 7, 1979. Since that time the Board has undergone changes in staff organization and procedures. It was therefore necessary to revise the agency ethics regulations to reflect the changes in staffing duties and responsibilities. The major changes in the revised Employee Responsibilities and Conduct are:

1. Definitions for "Chair" and "Federal Member" have been added.

2. The Chair will designate the agency's ethics official who will coordinate and manage the ethics program.

3. The section pertaining to financial interests was revised to provide that (1) Certain interests which are too remote or too inconsequential are exempted from reporting requirements; (2) interests held by employees' relatives will be included in certain reporting requirements; (3) financial reports filed by Public members shall contain a listing of all other employment and financial interests in a partnership, organization or entity which has an interest in obtaining, or has obtained, a grant or contract from the Board or which is a party to a complaint pending before the Board; and (4) the Designated Agency Ethics Official will review the financial statements.

4. Appendix A which provided a list of positions, the incumbents of which were required to file financial statements was deleted. The new revisions provide that the Chair shall identify those positions which are subject to the reporting requirements.

5. The content of the statements filed shall conform with the information required by the formats prescribed by the Federal Personnel Manual.

6. Financial statements and supplementary statements shall now be filed with the Designated Agency Ethics Official rather than the Executive Director.

List of Subjects in 36 CFR Part 1152

Conflict of interests.

For the reasons stated in the preamble, chapter XI of title 36, Code of Federal Regulations, is amended by amending part 1152 as follows:

PART 1152—[AMENDED]

1. The Authority Citation for 36 CFR part 1152 is revised to read as follows:

Authority: E.O. 12674; 5 CFR part 735.

2. Section 1152.735–102 is amended by revising paragraphs (b) through (f) and adding paragraph (g) to read as follows:

§ 1152.735–102 Definitions.

* * * * *

(b) *Chair* means the Chair of the Architectural and Transportation Barriers Compliance Board.

(c) *Employee* means an officer or employee of the Board but does not include a special Government employee.

(d) *Federal member* means a member of the Board who is the head of a federal agency or a designee as specified in 29 U.S.C. 792(a)(1)(B).

(e) *Person* means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(f) *Public member* means a member of the Board appointed by the President from among members of the general public.

(g) *Special Government employee* means a "special Government employee," as defined in section 202 of title 18 of the United States Code, that is, one appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 days on a full-time or intermittent basis.

3. Section 1152.735–103 is revised to read as follows:

§ 1152.735–103 Designated Agency Ethics Official.

(a) The Chair shall designate in writing an agency ethics official and an alternate agency ethics official to serve in an acting capacity in the absence of the primary Designated Agency Ethics Official.

(b) The Designated Agency Ethics Official shall coordinate and manage the agency's ethics program, including:

(1) Serving as liaison with the Office of Government Ethics;

(2) Reviewing financial disclosure reports;

(3) Conducting ethics education and training programs;

(4) Monitoring administrative actions and sanctions; and

(5) Providing counsel and guidance on matters relating to ethical conduct to employees seeking advice on questions of conflicts of interest and other matters covered by this part.

(c) The Designated Agency Ethics Official may delegate any of the duties in paragraph (b) of this section to a deputy agency ethics official.

§ 1152.735–104 [Removed]

4. Section 1152.735–104 is removed.

§ 1152.735–105 [Redesignated as § 1152.735–104]

5. Section 1152.735–105 is redesignated as new § 1152.735–104 and amended by removing paragraph (b) and concluding text and by removing the designation at the beginning of paragraph (a).

§ 1152.735–203 [Amended]

6. Section 1152.735–203(c) is amended by inserting the words "or Office of Government Ethics" after the words "Office of Personnel Management" in the first sentence and by changing the word "Chairperson" to "Chair" in the second sentence.

§ 1152.735–204 [Amended]

7. Section 1152.735–204 is revised to read as follows:

§ 1152.735–204 Financial interests.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his/her Government duties and responsibilities.

(b) An employee shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily

relying on, information obtained through his/her Government employment.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order, Office of Personnel Management or Office of Government Ethics regulations, or this part.

(d) The following financial or economic interests described below are hereby exempted from the prohibition of 18 U.S.C. 208(a) as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: The stock, bond or policy holdings of an employee in a mutual fund, investment company, bank or insurance company which owns an interest in an entity involved in the matter, provided that in the case of a mutual fund, investment company or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank.

8. New § 1152.735–209 is added to read as follows:

§ 1152.735–209 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

9. Section 1152.735–210 is amended by revising paragraph (c) to read as follows; the introductory text of the section is republished.

§ 1152.735–210 Miscellaneous statutory provisions.

Each employee shall acquaint himself/herself with each statute that relates to his/her ethical and other conduct as an employee of the Board and of the Government. The attention of each employee is directed to the following statutory provisions:

* * * * *

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

* * * * *

10. The following sections in part 1152 are redesignated as set forth in the table below:

Old section	New section
1152.735–401	1152.735–402
1152.735–402	1152.735–403
1152.735–403	1152/735–404
1152.735–404	1152.735–406
1152.735–405	1152.735–407
1152.735–407	1152.735–409
1152.735–408	1152.735–410
1152.735–409	1152.735–411
1152.735–410	1152.735–412
1152.735–411	1152.735–413

11. New § 1152.735–401 is added to read as follows:

§ 1152.735–401 Reviewing statements and reporting conflicts of interest.

(a) Financial statements of all employees shall be filed with the Designated Agency Ethics Official. The Designated Agency Ethics Official shall review statements of employment and financial interests submitted under this part.

(b) When a statement submitted under this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his/her service for the Government, the employee, or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) When after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved by the Designated Agency Ethics Official, the information concerning the conflict or appearance of conflict shall be reported to the Chair for appropriate administrative action.

(d) When after consideration of the explanation of the employee or special Government employee, the Chair decides that remedial action is required, he/she shall take immediate action to end the conflicts or appearance of conflicts of interest.

(e) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders and regulations and may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his/her conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

12. Newly designated § 1152.735–402 is revised to read as follows:

§ 1152.735–402 Employees required to submit statements.

Except as provided in § 1152.735–404, the following categories of employees shall submit statements of employment and financial interest:

(a) Employees classified at GS–13 or above who are in positions identified by the Chair as positions the incumbents of which are responsible for making a Government decision or taking a Government action in regard to:

(1) Contracting or procurement;

(2) Administering or monitoring grants or subsidies;

(3) Regulating or auditing private or other non-Federal enterprise; or

(4) Other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

(b) Employees classified at GS–13 or above who are in positions which the Chair has determined have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interests situation and carry out the purpose of law, Executive order, Office of Personnel Management and Office of Government Ethics regulations and this part.

(c) Employees classified below GS–13 who are in positions which otherwise meet the criteria in paragraph (b) or (c) of this section. These positions have been approved by the Chair and the Office of Government Ethics as exceptions that are essential to protect the integrity of the Government and avoid employees involvement in a possible conflict-of-interest situation.

13. Newly designated § 1152.735–404 is revised to read as follows:

§ 1152.735–404 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in § 1152.735–402(b) may be excluded from the reporting requirement when the Chair determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government;

(3) The use of an alternative procedure approved by the Board is adequate to prevent possible conflicts of interest.

(b) Federal members and the Designated Agency Ethics Official are subject to separate reporting requirements under the Ethics in Government Act of 1978, Public Law 95–521. The Designated Agency Ethics Official shall obtain and review a copy

of the financial statement filed by Federal members with their respective agency. The Office of Government Ethics will review the financial statement filed by the Designated Agency Ethics Official.

14. Newly designated § 1152.735–406 is revised to read as follows:

§ 1152.735–406 Time and place for submission of employees' statement.

An employee required to submit a statement of employment and financial interest pursuant to § 1152.735–402 shall submit that statement to the Designated Agency Ethics Official not later than:

(a) Ninety days after the effective date of this part if employed on or before that effective date; or

(b) Thirty days after his/her entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

15. Newly designated § 1152.735–407 is amended by revising paragraph (a) to read as follows:

§ 1152.735–407 Supplementary statement.

(a) Changes in, or additions to, the information contained in an employee's statement shall be reported to the Designated Agency Ethics Official in a supplementary statement as of May 15 each year. If no changes or additions occur, a negative report is required.

* * * * *

16. New § 1152.735–405 is added to read as follows:

§ 1152.735–405 Content of statements.

A statement of employment and financial interest required pursuant to this subpart shall contain, at a minimum, the information required by the formats prescribed by the Office of Personnel Management in the Federal Personnel Manual.

17. New § 1152.735–408 is added to read as follows:

§ 1152.735–408 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employees household.

18. Newly designated § 1152.735–411 is revised to read as follows:

§ 1152.735–411 Confidentiality of employees' statements.

(a) Each statement of employment and financial interest, and each supplementary statement, shall be kept confidential.

(b) The Designated Agency Ethics Official is responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part.

(c) Information from a statement may not be disclosed except as the Office of Government Ethics or the Chair may determine for good cause shown.

19. Newly designated § 1152.735–413 is revised to read as follows:

§ 1152.735–413 Specific provisions for Public members and special Government employees.

(a) Except as provided in paragraph (c) of this section, each Public member and special Government employee shall submit to the Designated Agency Ethics Official for review and custody a statement of employment and financial interest which shall contain a listing of all—

(1) Other employment; and

(2) Financial interests in a partnership, organization or entity which have an interest in obtaining, or has obtained, a grant or contract from the Board or which is a party to a complaint pending before the Board.

(b) The provisions of §§ 1152.735–409 through 1152.735–412 are applicable to a Public member and special Government employee who is required to file a statement.

(c) The Chair or his/her designee may waive the provisions of this section for the submission of a statement in the case of a special Government employee who is not a consultant or an expert when the Board finds that the duties of the position held by that special Government employee are of a nature and at such level or responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(3) A specialist appointed for intermittent confidential intelligence consultation of brief duration.

(d) A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee. Each Public member and special Government employee shall keep his/her statement current throughout his/her employment with the Board by the submission of supplementary statements to be filed no later than May 15th of each year. If no changes or additions occur, a negative report is required.

Appendix A—[Removed]

20. Appendix A to part 1152 is removed.

William H. McCabe,

Chair, Architectural and Transportation, Barriers Compliance Board.

[FR Doc. 91–427 Filed 1–9–91; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89–008]

RIN 2115–AD30

Documentation of Vessels; Recordation of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Adoption of interim rule as final.

SUMMARY: On October 12, 1989, the Coast Guard published an interim rule in the **Federal Register** (54 FR 41835) to implement those portions of Public Law 100–710 which amended and codified the Ship Mortgage Act of 1920. That legislation made substantive changes to the laws governing the recordation of instruments. The interim rule implemented those portions of the law which were unequivocal, and provided for uniform application of the law by the Coast Guard's Vessel Documentation Offices. This rulemaking action adopts the interim rule as final with changes.

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, (202) 267–1492. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On November 23, 1988, Congress enacted Public Law 100–710 ("the Act") which amended and codified the Ship Mortgage Act of 1920 into 46 U.S.C. chapter 313. The Act introduced significant changes which were at

variance with the former law and with the Coast Guard regulations then in effect. In order to reduce uncertainty, and to implement those portions of the law which were both unequivocal and effective immediately, the Coast Guard published an interim final rule (IFR) on October 12, 1989 (54 FR 41835). The comment period for the IFR closed on December 11, 1989. A total of sixteen comments were received.

Drafting Information

The principal authors of this regulation are Mr. Thomas L. Willis, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

Discussion of Comments and Changes

Thirteen comments concerning the IFR were received during the comment period. Three additional comments were received after the close of the comment period, but were considered. Comments were received from vessel documentation services, a bank, a State department of commerce and economic development, and two attorneys. None of the comments stated or implied support or objection to the rule *in toto*. All of the comments took exception to certain aspects of the IFR.

An erroneous cross reference in § 67.23–3(b) has been corrected.

Two comments expressed concern with § 67.23–9(a), which makes Certificates of Documentation subject to deletion from the roll of documented vessels, but not necessarily invalid, upon the occurrence of certain events. The change was intentional. However, an amendment to § 67.23–9(c) made in response to another comment has permitted a return to the language of the regulation in effect prior to the IFR.

Two comments noted that §§ 67.23–9(c) and 67.23–11(c) provide that a Certificate of Documentation which has become invalid because of a requirement for surrender or cancellation nonetheless remains valid for the purposes of 46 U.S.C. chapter 313, among other things. The comments contended that the Act provides for the continuing validity of an otherwise invalid Certificate of Documentation only for instruments filed or recorded before the date of invalidation and for assignments after that date, and not for all purposes under chapter 313. However, as the comments note, the Act authorizes the Secretary of Transportation to specify other laws for which purposes the Certificate of Documentation remains valid. The Coast Guard agrees that including all purposes of chapter 313 is inappropriate and, therefore, has limited the purposes for which an otherwise invalid Certificate of Documentation remains valid to instruments filed or recorded before the date of invalidation, assignments filed or recorded after that date, and notices of claim of lien filed or recorded after that date. This last provision is to preclude vessel owners from avoiding filing and recordation of notices of claim of lien by the simple expedient of permitting the endorsement on the Certificate of Documentation to expire or stating that they elect to discontinue documentation.

Two comments correctly noted that the list of instruments eligible for filing and recording in § 67.29–1 failed to include subordination agreements. That defect has been corrected.

Two comments noted that paragraphs (a), (c), and (d) of § 67.29–3 all provide an exemption from the requirement for Maritime Administration approval of a transfer to a non-citizen as defined in section 2 of the Merchant Marine Act of 1920 (46 U.S.C. App. 802) ("Section 2") for a vessel that has been operated only as a fishing vessel, fish processing vessel, fish tender vessel, or recreational vessel, but questioned why guidance is not provided for determining whether a vessel qualifies for the exemption. The Coast Guard defers to the Maritime Administration in interpreting the requirements of Section 2. Therefore, a note has been added following § 67.29–3 advising persons seeking such interpretations to contact that agency.

The thirteen comments received during the comment period objected to the rules dealing with disposition of instruments deemed ineligible for filing and recordation. At least one comment stated that disposition of non-recordable instruments was not mandated by the Act, but discretionary in nature. Disposition of instruments, while itself not mandated by statute, is an integral part of termination of the filing, which was mandated. Therefore, treatment of termination is incomplete without including disposition of instruments not recordable.

Section 67.29–17(b)(1)–(3) of the IFR states that unrecorded bills of sale will be returned to the vessel owner, unrecorded mortgages to the mortgagee, and unrecorded notices of claim of lien to the lien claimant. Those comments requesting a change suggested that the instruments should be returned to whomever submitted the instruments, particularly where an agent acts on behalf of an interested party. The comments argued that returning the instruments to the agent would help avoid a loss of the instruments and would provide for an orderly replacement of the instruments if necessary.

The Coast Guard's intent was to comply with 46 U.S.C. 31321(c) which requires notice to the parties at interest when an instrument is unrecordable because a vessel cannot be documented. The Coast Guard also intends to treat any other unrecordable instrument in the same manner. Section 31321(c) provides for 90 days notice prior to termination of the filing. Under the terms of the law, the Coast Guard is required to send that notice to the parties at interest. In response to the comments, the Coast Guard will, as an administrative practice, send notice to the agent for the person submitting an instrument as well, stating why the instrument cannot be recorded. No instrument will be returned until 90 days after notice was given. The Coast Guard considers 90 days to be sufficient time for the agent or the interested party to rectify any remediable problem.

Where the Coast Guard has been provided an original writing from an interested party which specifically identifies the instrument and which specifically states that return of the instrument to the agent will be deemed to be a return of the instrument to the party, the instrument will be returned to the agent. In past situations where an agent failed to communicate with interested parties when part of the paperwork was incomplete or otherwise deficient, mortgagees have erroneously believed that their lien was perfected or that the Coast Guard was dilatory in executing its duties to record the instrument. For clarity in this matter, § 67.29–17 has been amended to reflect the process whereby agents will be notified along with interested parties.

Two comments noted an inadvertent omission in § 67.33–1(a), which should have stated that the criteria of subpart 67.29 must be met. That omission has been corrected.

Two comments noted that § 67.33–5(b) retained the requirement to state the individual interest of the mortgagee(s) even though the preamble indicated that this provision was dropped. The reason for this discrepancy was a typographical error in the preamble, which should have stated that the requirement to state the individual interest of the mortgagor(s) had been eliminated. Therefore, the language in § 67.33–5(b) was correct.

Two comments noted that there are four provisions of subpart 67.33 stating required recitations for chattel mortgages being assigned (§ 67.33–11), assumed (§ 67.33–17), amended (§ 67.33–23), or subordinated (§ 67.33–29). The

recitations required in each are identical, but the language used in § 67.33–11 is somewhat different. In order to avoid confusion and the introduction of uncertainty, § 67.33–11 has been amended to conform to the other provisions. Paragraph (c) of § 67.39–9 has been similarly amended for clarity.

Two of the comments noted that subparts 67.35 and 67.37 had been reversed. This change was intentional in order to provide for a more orderly flow in the regulations.

Two comments pointed out that §§ 67.35–3 and 67.35–9 prohibit the filing and recordation of a preferred mortgage or instruments supplemental to a preferred mortgage when the mortgagee does not meet the eligibility criteria set forth in § 67.35–3. The comments correctly note that this would preclude filing and recordation of preferred mortgages held by non-citizens covering fishing industry vessels or recreational vessels. Precluding the filing and recordation of preferred mortgages held by non-citizens was not intended. The final rule has been amended to allow filing and recordation of such instruments.

Two of the comments noted that the wording in § 67.37–5 had been changed to require that a Notice of Claim of Lien recite the "date on which the lien was established;" whereas the earlier regulation required recitation of the "date on which the lien arose." The comments suggested that this change would appear to require the lien claimant to undertake some affirmative act in order to establish the lien, despite the fact that maritime liens generally arise by operation of law without any requirement for the claimant to record or perfect the claim. Although the Coast Guard does not necessarily agree that this change of wording reflects a substantive change, the final rule has been amended by returning to the previous wording to reduce uncertainty.

In response to two comments, §§ 67.39–1 and 67.39–3 have been amended to clearly include the means by which encumbrances which have been filed but not recorded may be removed from the record of the vessel.

Three additional comments were received after the close of the public comment period. Each comment was reviewed. Two raised only issues which were expressed in timely comments already considered. The third requested that the Coast Guard define address for mortgagees in a particular fashion. The IFR allows sufficient leeway to permit a party at interest to an instrument to use any bona fide address. Therefore, the Coast Guard has decided that regulation as published in the IFR should be retained.

Regulatory Evaluation

The Coast Guard considers these regulations to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). This regulation merely clarifies the Coast Guard interpretation of the statutory requirements of Public Law 100–710. Therefore, the economic impact of this regulation has been found to be so minimal that further evaluation is unnecessary.

Small Entities

The Coast Guard expects the impact of this regulation to be minimal. Although a substantial number of small entities are involved in vessel operations within the scope of this regulation, the new provisions simplify the requirements for compliance and reduce the probability that an instrument submitted for filing and recordation will be rejected. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601*et seq.*) that this final rule will not have a significant impact on a substantial number of small entities.

Federalism

The Coast Guard has analyzed this regulation in accordance with the principles and criteria contained in Executive order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2–B–2. of Commandant Instruction M16475.1B. This rulemaking merely implements statutory changes to the Ship Mortgage Act, 1920. The rules are administrative and procedural in nature and clearly have no environmental impact. A Categorical Exclusion Determination statement has been prepared and included in the rulemaking docket.

List of Subjects in 46 CFR Part 67

Vessels.

Accordingly, the interim rule amending part 67 of chapter 1, title 46 of the Code of Federal Regulations which was published at 54 FR 41835 on October 12, 1989, is adopted as a final rule with the following changes:

PART 67—DOCUMENTATION OF VESSELS

1. The authority citation for part 67 is revised to read as follows:

Authority: 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107; 46 U.S.C. App. 841a, 876; 49 U.S.C. 322; 49 CFR 1.46.

2. Section 67.23–3 is amended by revising paragraph (b) to read as follows:

§ 67.23–3 Requirement for surrender.

* * * * *

(b) A Certificate of Documentation remains valid for the purposes of subpart 67.35 only, but is subject to surrender when the vessel to which the Certificate is issued is covered by a preferred mortgage outstanding of record and a requirement for surrender arises under paragraph (a) of this section.

* * * * *

3. Section 67.23–9 is amended by revising paragraphs (a) introductory text and (c) to read as follows:

§ 67.23–9 Requirement for deletion.

(a) Except as provided in paragraph (c) of this section, a Certificate of Documentation issued to a vessel is invalid and the vessel is subject to deletion from the roll of documented vessels when: * * *

* * * * *

(c) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded in accordance with subpart 67.33 or 67.35 of this part remains valid for the purposes of:

(1) Chapter 313, title 46 U.S.C. for an instrument filed or recorded before the date of invalidation and an assignment after that date;

(2) Filing and recordation of a notice of claim of lien in accordance with the provisions of subpart 67.37 of this part;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242).

* * * * *

4. Section 67.23–11 is amended by revising paragraph (c) to read as follows:

§ 67.23–11 Requirement for cancellation.

* * * * *

(c) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded in accordance with subpart 67.33 or 67.35

of this part remains valid for the purposes of:

(1) Chapter 313, title 46 U.S.C. for an instrument filed or recorded before the date of invalidation and an assignment after that date;

(2) Filing and recordation of a notice of claim of lien in accordance with the provisions of subpart 67.37 of this part;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242). Such a Certificate may, however, be subject to surrender to correct the error which would normally give rise to cancellation.

* * * * *

5. Section 67.29–1 is amended by revising paragraphs (c) and (d) to read as follows:

§ 67.29–1 Instruments eligible for filing and recordation.

* * * * *

(c) Chattel mortgages, and assignments, supplements, amendments, subordinations, satisfactions, and releases thereof;

(d) Preferred mortgages, and assignments, supplements, amendments, subordinations, satisfactions, and releases thereof; and

* * * * *

6. Section 67.29–3 is amended by adding a Note after paragraph (e) to read as follows:

§ 67.29–3 Restrictions on filing and recordation.

* * * * *

Note: Paragraphs 67.29–3 (a), (c), and (d) of this section provide for exemption from the requirement for consent of the Maritime Administration for transfer of certain vessels to a non-citizen as defined in section 2 of the Merchant Marine Act of 1920. Because interpretation of section 2 is within the jurisdiction of the Maritime Administration, guidance should be sought from that agency to determine whether a vessel qualifies for the exemption.

7. Section 67.29–17 is amended by revising paragraph (b) and adding new paragraph (c) to read as follows:

§ 67.29–17 Termination of filing and disposition of instruments.

* * * * *

(b) Upon a determination that a filing is subject to termination, written notice detailing the reasons the filing is subject to termination will be sent to the following person(s) and any agent known to be acting on behalf of:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof; or

(3) The claimant, if a notice of claim of lien.

(c) If the reason(s) which subject the filing to termination remain uncorrected for a period of 90 days after the notice described in paragraph (b) of this section, the instrument will be returned to either:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof;

(3) The claimant, if a notice of claim of lien; or

(4) An agent for the appropriate party, provided that the agent has filed with the Coast Guard an original writing signed by that party stating that the instrument may be returned to the agent.

8. Section 67.33–1 is amended by revising paragraph (a) to read as follows:

§ 67.33–1 General requirements.

(a) A chattel mortgage presented for filing and recordation must meet all the requirements of subpart 67.29 of this part and §§ 67.33–3 and 67.33–5 of this subpart.

* * * * *

9. Section 67.33–11 is amended by revising paragraph (c) to read as follows:

§ 67.33–11 Required recitations for assignments of chattel mortgages.

* * * * *

(c) Information which clearly identifies the mortgage being assigned. Such information will normally consist of the book and page where that mortgage is recorded, and the date and time of recordation. If recording information cannot be provided because the assignment is presented prior to recordation of the mortgage, the instrument must recite the amount of the mortgage and other such information as to clearly identify the mortgage being assigned.

10. Section 67.35–3 is revised to read as follows:

§ 67.35–3 Restrictions on filing and recordation.

(a) Except as provided in paragraph (b) of this section, an instrument which meets the requirements of § 67.35–1 of this subpart is not eligible for filing and recordation if the mortgagee is not:

(1) A State;

(2) The United States Government;

(3) A federally insured depository institution, unless disapproved by the Secretary;

(4) An individual who is a citizen of the United States;

(5) A person qualifying as a citizen of the United States as defined in 46 U.S.C. app. 802; or

(6) A person approved by the Secretary.

(b) The restriction imposed in paragraph (a) of this section does not apply to an instrument conveying an interest in a vessel that has been operated only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101), or a vessel that has been operated only for recreation.

Note: Disapproval of a federally insured depository institution as a preferred mortgagee under § 67.35–3(c) of this subpart, and approval of a person as a preferred mortgagee under § 67.35–3(f) of this subpart is determined by the Maritime Administration pursuant to regulations in 46 CFR part 221.

11. Section 67.35–9 is revised to read as follows:

§ 67.35–9 Restrictions on filing and recordation.

(a) Except as provided in paragraph (b) of this section, an assignment, amendment, or supplement to a preferred mortgage is not eligible for filing and recordation if it results in a mortgage interest being held by a person that does not meet the criteria of § 67.35–3 of this subpart.

(b) The restriction imposed in paragraph (a) of this section does not apply to an instrument conveying an interest in a vessel that has been operated only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101), or a vessel that has been operated only for recreation.

12. Section 67.37–5 is amended by revising paragraph (c) to read as follows:

§ 67.37–5 Required recitations.

* * * * *

(c) The date on which the lien arose; and

* * * * *

13. Section 67.39–1 is revised to read as follows:

§ 67.39–1 General requirements.

The filing of a chattel mortgage, notice of claim of lien, or preferred mortgage against a vessel may be terminated, and a chattel mortgage, notice of claim of lien, or preferred mortgage recorded against a vessel may be removed from that record by the filing of:

(a) A court order, affidavit, or Declaration of Forfeiture described in § 67.39–3 of this subpart; or

(b) A recordable satisfaction or release instrument described in §§ 67.39–5 through 67.39–9 of this subpart.

14. Section 67.39–3 is amended by revising the introductory text to read as follows:

§ 67.39–3 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.

The filing of encumbrances described in § 67.39–1 of this subpart is terminated, and those encumbrances recorded are removed from the record upon filing of:

* * * * *

15. Section 67.39–9 is amended by revising paragraph (c) to read as follows:

§ 67.39–9 Required recitations for instruments evidencing satisfaction or release.

* * * * *

(c) Information which clearly identifies the mortgage or claim being satisfied or released. Such information will normally consist of the book and page and date where that mortgage is recorded, and the date and time of recordation. If the recording information cannot be provided because the satisfaction or release is being submitted prior to recordation of the mortgage or claim, the instrument must recite the amount of the mortgage or claim and other such information as to clearly identify the encumbrance being satisfied or released.

Dated: December 10, 1990.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Merchant Security and Environmental Protection.

[FR Doc. 91–421 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 90–368, FCC 90–415]

Miscellaneous Rules Relating to Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: The Commission reinstated its Open Network Architecture (ONA) obligations for the Bell Operating Companies and the American Telephone and Telegraph Company (AT&T), decided to permit AT&T to provide enhanced services on an integrated basis pursuant to nonstructural safeguards, and reaffirmed the Computer III decisions relating to Network Channel Terminating Equipment. The Commission took this action in light of a recent court decision that vacated and remanded three Commission decisions in the Computer III proceeding. The intended effect of this action is to reinstate the Computer III decisions that were not challenged by the court.

EFFECTIVE DATE: January 31, 1991.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, Policy and Program Planning Division, Common Carrier Bureau (202) 632–4047.

Summary of Report and Order

1. On June 6, 1990, the United States Court of Appeals for the Ninth Circuit vacated and remanded three Commission decisions in the Computer III proceeding. In response to the Court's decision, on August 6, 1990, the Commission issued a Notice of Proposed Rulemaking (55 FR 34032, Aug. 21, 1990) in this proceeding to consider reinstating certain Computer III decisions that were not challenged in the briefs before the Court. The Notice proposed to: (1) Reinstate Open Network Architecture (ONA) obligations on the Bell Operating Companies (BOCs) and the American Telephone and Telegraph Company (AT&T); (2) permit AT&T to provide enhanced services on an integrated basis pursuant to the nonstructural safeguards adopted in Computer III; and (3) reinstate certain Computer III decisions regarding Network Channel Terminating Equipment (NCTE). The Commission adopted the proposals recommended in the Notice.

2. The Commission determined that reinstatement of ONA, as it has been detailed in the Computer III and ONA orders, will serve the public interest. The Commission also concluded that the BOCs are required to implement ONA regardless of the ultimate decision on appropriate safeguards for BOC provision of enhanced services. A major goal of ONA is to increase opportunities for enhanced service providers to use the BOCs' regulated markets for their present services and develop new offerings as well. The Commission determined that although ONA will serve as an important nonstructural safeguard against anticompetitive conduct by the BOCs, ONA also has independent value and should be implemented by the BOCs. The Commission determined that ONA has been developed in a meticulous fashion over the past five years and that the public will be best served if the BOCs proceed expeditiously to implement their ONA plans, according to the schedule established in the ONA orders (55 FR 27468 and 55 FR 27467, July 3, 1990). In addition, the Commission concluded that the Court did not require the Commission to reconsider the fundamental direction of ONA.

3. The Commission also permitted AT&T to provide collocated and noncollocated enhanced services on an integrated basis pursuant to the nonstructural safeguards established in Computer III. Computer III established different safeguards for AT&T and the BOCs in the provision of enhanced services because AT&T faces significantly greater competition in the provision of interexchange services than do the BOCs in the provision of local access services. The Commission determined that permitting AT&T to provide enhanced services pursuant to nonstructural safeguards is consistent with the Court's decision, and will further the public interest.

4. Finally, the Commission reinstated the Computer III decisions regarding Network Channel Terminating Equipment (NCTE). Computer III permitted carriers to provide, as part of a tariffed offering, such equipment on customers' premises to support functions necessary to perform loopback tests from the demarcation point. Computer III also limited the "multiplexer exception" to the provision of existing equipment provided under that exception, and to updated or improved versions of such equipment. Computer III also provided that carriers could file waiver requests, on a case-by-case basis, to permit the offering of other NCTE functions on a regulated basis. As these decisions were not challenged before the Ninth Circuit, and continue to be in the public interest, the Commission reinstated the Computer III decisions relating to NCTE.

Ordering Clauses

1. Accordingly, *it is ordered,* That the policies and requirements set forth herein *are adopted,* effective January 31, 1991.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–497 Filed 1–9–91; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[APD 2800.12A, CHGE 18]

General Services Administration Acquisition Regulation; Restriction on Advertising Clause

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12A), is amended to revise the clause in section 552.203–70, Restriction on Advertising, by adding a reference to the White House and the Executive Office of the President regarding referring to GSA contracts in commercial advertising or similar promotions in a manner that would imply that the product or service provided is endorsed or preferred by any element of the Federal Government; and to revise sections 553.370–434, 553.370–3501 and 553.370–3504 to illustrate the latest editions of GSA Form 434, Bid Sample Sheet, GSA Form 3501, Solicitation Provisions (Sealed Bid) and GSA Form 3504, Service Contract Clauses. GSA Forms are not published in this document and do not appear in the Code of Federal Regulations. Copies may be obtained from the Director of the Office of GSA Acquisition Policy (VP), 18th and F Streets NW. Washington, DC 20405.

EFFECTIVE DATE: January 15, 1991.

FOR FURTHER INFORMATION CONTACT: John Joyner, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on October 19, 1990 (GSAR Notice 5–307, 55 FR 42416). No public comments were received. Comments received from various GSA offices have been considered and where appropriate incorporated in the final rule.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The rule is not expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the clause simply adds a reference to the White House and Executive Office of the President in order to clarify that they are considered to be part of the Federal Government.

D. Paperwork Reduction Act

The rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Part 552

Government procurement.

PART 552—[AMENDED]

1. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 486(c)

2. Section 552.203–70 is revised to read as follows:

§ 552.203–70 Restriction on Advertising.

As prescribed in 503.570–2, insert the following clause:

Restriction on Advertising (DEC 1990)

The Contractor shall not refer to this contract in commercial advertising or similar promotions in such a manner as to state or imply that the product or service provided is endorsed or preferred by the White House, the Executive Office of the President, or any other element of the Federal Government, or is considered by these entities to be superior to other products or services. Any advertisement by the Contractor, including price-off coupons, that refers to a military resale activity shall contain the following statement: "This advertisement is neither paid for nor sponsored, in whole or in part, by any element of the United States Government."

(End of clause)

Dated: December 28, 1990.

A.E. Ronkovich,

Acting Associate Administrator for Acquisition Policy.

[FR Doc. 91–570 Filed 1–9–91; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 56, No. 7
Thursday, January 10, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 567

[No. 91-14]

RIN 1550-AA01

Regulatory Capital: Interest Rate Risk Component; Amendment to Notice of Public Hearing

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of public hearing; amendment.

SUMMARY: On December 31, 1990, the Office of Thrift Supervision ("OTS") published a notice of public hearings to be held on the issues set forth in its notice of proposed rulemaking entitled "Regulatory Capital: Interest Rate Risk Component". Docket No. 90-4001, 55 FR 53571 (December 31, 1990).

The OTS has determined that the time period designated for submitting written requests to participate in the hearings is insufficient, and that the deadline for submitting such requests should be extended until January 22, 1991.

DATES: The public hearings will be held on January 31, 1991, and February 14, 1991, from 9 a.m. until 5 p.m.

ADDRESSES: Requests to participate in these public hearings must be in writing and must be sent to: Director, Information Services Division, Office of Communications, 1700 G Street NW., Washington, DC 20552, with a copy to Gerald Hinkle, Capital Markets Analyst, at the above address. Written requests may also be hand delivered to the same address. Requests must be received no later than 12 noon on January 22, 1991.

Hearing locations: On January 31, 1991, hearings will be held at the Office of Thrift Supervision, Second Floor Amphitheater, 1700 G Street NW., Washington, DC 20552. On February 14, 1991, hearings will be held at the OTS San Francisco, 580 California Street, floor 10, San Francisco, California 94104.

FOR FURTHER INFORMATION CONTACT: Gerald Hinkle, Capital Markets Analyst, (202) 906-5774; Mary H. Gottlieb, Paralegal Specialist, (202) 906-7135, Regulations and Legislation Division, Office of Chief Counsel, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The preamble portion of the notice of public hearing specified that persons wishing to participate in such hearings must send a written request to participate no later than 5 p.m. on January 11, 1991.

The OTS has determined that additional time should be afforded potential participants and, therefore, is hereby extending the deadline to 12 noon on January 22, 1991.

Dated: January 7, 1991.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 91-619 Filed 1-9-91; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-91-2]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 30, 1991.

ADDRESSES: Send comments on any petition in triplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Ida Klepper, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9688.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on January 7, 1991.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Rulemaking

Docket No.: 26427.

Petitioner: Aircraft Owners and Pilots Association, Experimental Aircraft Association, Montana Aeronautics Board, Montana Chapter of International 99's, Montana Flying Farmers and Ranchers Association, and the Montana Pilots Association.

Regulations Affected: 14 CFR 91.215(b)(5)(ii).

Description of Petition: To amend § 91.215(b)(5)(ii) to delay the transponder equipage date for Billings, Montana, for the requirement for transponders with Mode C capability until the airspace reclassification rule is finalized.

Petitioner's Reason for the Request: The petitioners believe that the airspace reclassification final rule will probably eliminate the current requirements that are scheduled to go into effect on

December 30, 1990. Also, virtually, all of the aircraft (99.9 percent) using the airspace located at Billings are communicating with the controllers, providing them with the aircraft position and altitude information. This information is providing the highest degree of safety. This is evidenced by the fact that there have been no recorded near mid-air collisions in the Billings, Montana, airspace.

[FR Doc. 91-552 Filed 1-9-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-265-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which currently requires periodic leak checks of the forward lavatory drain system and provides for the installation of a new drain valve as terminating action. This action would delete the existing provision for terminating action and would require repetitive leak checks of both forward and aft lavatory drain systems. This proposal is prompted by recent reports of engine damage due to ice formed from leaking forward lavatory drain systems, and reports of "blue ice" impacting the ground. This condition, if not corrected, could result in damage to or separation of an engine, and create a hazard to persons and property on the ground.

DATES: Comments must be received no later than March 6, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-265-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy J. Dulin, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2675. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-265-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On February 26, 1986, the FAA issued AD 86-05-07, Amendment 39-5250 (51 FR 7767, March 6, 1986), to require periodic leak checks of all Model 727 aircraft forward lavatory drain systems (both dump valve and drain valve) at intervals not to exceed 15 months, and corrective action, if necessary. That AD requires that the drain valve leak check be performed with the airplane pressurized to a minimum 3 PSID. That AD also provides for installation of a new drain valve, which incorporates an inner integral door with second positive seal, as terminating action for the periodic leak checks, when approved by the Manager of the Seattle Aircraft Certification Office. That action was prompted by reports of engine damage caused by ice formed from leaking forward lavatory drain systems. In two cases, the loads created by the ice being ingested into the engine result in the engine being physically torn from the airplane. This condition, if not corrected, could result in damage to or separation of an engine.

Several drain system configurations have been approved for the Model 727 lavatory waste drain system. All configurations have an in-tank valve (dump valve), which is spring loaded closed, and is operable by a T-handle at the service panel. Most configurations include a drain valve at the service panel, which is intended to retain any leakage from the in-tank valve within the drain line. Some configurations utilize a ball valve with double seals in the drain line and a cap seal at the service panel.

Since the issuance of AD 86-05-07, there has been one report of the number 3 engine separating from an airplane, two reports of engine damage, and one report of airframe damage on Model 727 airplanes, due to ice formed by leaking of the forward lavatory drain systems. The airplanes involved in these incidents had not incorporated the terminating action specified in AD 86-05-07. In light of this, the FAA has determined that the 15-month interval between required leak checks has not been effective in preventing these incidents of leakage.

The FAA has also received reports of lavatory drain valve leakage on Model 737 airplanes which have drain valves that incorporate an inner integral door with a second positive seal, a configuration similar to that specified in AD 86-05-07 as terminating action. The FAA has determined that these valve types may not be effective in preventing leakage. (The FAA issued AD 89-11-03, Amendment 39-6223 (54 FR 21933, May 22, 1989) to address the problem of "blue ice" on the Model 737.) Incidents of "blue ice" dislodging from lavatory drains and impacting the airplane and ground continue to be reported, with the resultant hazard to the airplane and persons on the ground.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 86-05-07 with a new airworthiness directive that would require repetitive leak checks of both the forward and aft lavatory drain systems at 200-flight hour intervals (both the dump valve and drain valve) for all Model 727 lavatory drains, except those which have a ball valve installed. Lavatory drains that have a ball valve installed would require leak checks (dump valve, ball valve, and cap) at 1,000-flight hour intervals. This proposal would also delete the existing terminating action.

The proposed repetitive lavatory drain system leak check is considered to be interim action. The FAA may consider further rulemaking action when a permanent solution to the lavatory waste system leakage problem is developed.

There are approximately 1,752 Model 727 series airplanes of the affected

design in the worldwide fleet. It is estimated that 1,277 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane lavatory drain to accomplish the leak check (2 drains per airplane), and that the average labor cost would be $40 per manhour. It is estimated that 15 leak checks per airplane would be required each year for 1,113 airplanes which do not have a ball valve installed in either drain line. It is estimated that 3 leak checks of the forward and 15 leak checks of the aft drain line per year would be required for 164 airplanes which have a ball valve installed in the forward drain line. Based on these figures, the total annual (recurring) cost impact of the AD on U.S. operators is estimated to be $5,814.720.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–5250 (51 FR 7767, March 6, 1986), AD 86–05–07, with the following new airworthiness directive:

Boeing: Applies to all Model 727 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent engine or airframe damage and/or hazard to persons or property on the ground caused by ice formed from leakage of the lavatory drain system, accomplish the following:

A. For each lavatory drain system, forward or aft, which does not have a ball valve installed, conduct a leak check of the dump valve and the drain valve within 200 flight hours after the effective date of this AD, and repeat thereafter at intervals not to exceed 200 flight hours. The drain valve leak check must be performed with a minimum 3 PSID applied across each seal of the valve.

B. For each lavatory drain system, forward or aft, that has a ball valve installed, conduct a leak check of the dump valve, ball valve, and cap valve within 1,000 flight hours after the effective date of this AD, and repeat thereafter at intervals not to exceed 1,000 flight hours. The ball valve leak check must be performed with a minimum 3 PSID applied across the valve.

C. If a leak is discovered during any leak check required by paragraph A. or B. of this AD, prior to further flight, accomplish either subparagraph C.1. and C.2., below:

1., Repair the leak; or

2. Drain the lavatory system and placard the lavatory inoperative until repairs can be accomplished.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Issued in Renton, Wasington, on January 3, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–553 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–210–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which currently requires repetitive inspections for cracking of the frame structure and skin in the fuselage Section 41 and repair, if necessary. Such cracking, if not corrected, could result in sudden decompression of the fuselage. This action would eliminate the X-ray inspection option for all airplanes, eliminate the borescope inspection for all airplanes that have accumulated more than 20,000 flight cycles, reduce the repetitive inspection intervals in certain areas, and eliminate deferral of crack repair. This proposal is prompted by recommendations of the FAA-sponsored Boeing Model 747 Structures Working Group.

DATES: Comments must be received no later than March 5, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–210–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Steven C. Fox, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2777. Mailing address: FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–210–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On March 17, 1987, the FAA issued AD 86–23–06 R1, Amendment 39–5583 (52 FR 7567, March 12, 1987), to require repetitive inspections for cracking of body frames and skin in the fuselage section 41 and repair, if necessary. This condition, if not corrected, could result in sudden decompression of the fuselage.

Since issuance of that AD, the FAA-Sponsored Boeing Model 747 Structures Working Group, after an in-depth structural review of the Model 747, has recommended that the existing provisions of AD 86–23–06 R1 for the X-ray inspection option for all airplanes be eliminated, the borescope inspection be eliminated for all airplanes that have accumulated more than 20,000 landings, and the repetitive inspection intervals in certain areas be reduced for airplanes that have accumulated more than 20,000 landings. The FAA agrees with these recommendations. Further, the FAA has determined that the existing provision for deferral of the repair of cracks must be eliminated. The existing provisions were based on no other adjacent cracking. Several other rulemaking actions have been issued to require inspection for cracking in the adjacent structure; therefore, the provision for deferral is eliminated.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2265, Revision 7, dated January 25, 1990, which describes the inspection procedures to be used to check for cracking of body frame structure and skin in the fuselage section 41; and repair, if necessary, in accordance with the locations and flight limits specified in Boeing Drawing 624U0001, for certain Boeing Model 747 airplanes.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 86–23–06 R1 with a new airworthiness directive that would reduce the inspection intervals for high-time airplanes, eliminate the X-ray inspection option for all airplanes, eliminate the borescope inspection for all airplanes that have accumulated more than 20,000 flight cycles, and require repair of all cracks prior to further flight, in accordance with the service bulletin previously described.

There are approximately 665 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 202 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3,612 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $29,184,960.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) is promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1323; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–5583 (52 FR 7567, March 12, 1987), AD 86–23–06 R1, with the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, listed in Boeing Alert Service Bulletin 747–53A2265, Revision 7, dated January 25, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent sudden decompression of the fuselage, accomplish the following:

A. Within the next 500 flight cycles after the effective date of this AD, or prior to accumulating the flight limit specified in Boeing Drawing 624U0001, Sheet 3, Revision A, dated December 14, 1989, whichever occurs later, accomplish the inspections contained in Boeing Alert Service Bulletin 747–53A2265, Revision 7, dated January 25, 1990. Repeat these inspections at intervals not to exceed those specified in the drawing.

B. If any cracking is found, repair in accordance with FAA-approved procedures prior to further flight. Concurrent with performing any repair, visually inspect adjacent structures in accordance with Section III of Boeing Alert Service Bulletin 747–53A22265, Revision 7, dated January 25, 1990, and repair any cracks in accordance with FAA-approved procedures prior to further flight.

C. For the purpose of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin differential pressure was greater than 2.0 PSI.

D. For Model 747SR airplanes only, based on continued mixed operation of lower cabin differentials, the initial inspection thresholds and the repetitive inspection intervals specified in this AD may be multiplied by a 1.2. adjustment factor.

E. For structure that has been installed during previous airplane modification/repair, the inspection thresholds referenced in paragraph A. of this AD are measured from the time of replacement of that structure.

F. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

H. Installation of new and improved body frame structure in accordance with FAA-approved procedures or Boeing Service Bulletin 747–53–2272, dated January 12, 1987, is considered terminating action for the repetitive inspections required by this AD for the structure replaced and other adjacent structure (considered to be stringers, clips, and skin associated with the frame).

All persons affected by this directive who have already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Groups, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on January 2, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–531 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–237–AD]

Airworthiness Directives; British Aerospace Model BAe 146–200A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–200A series airplanes, which would require repetitive visual inspections to detect corrosion and cracked fuselage skins, reduced fuselage skin thickness, and damaged rivets; and repair of corrosion and skin cracks or replacement of rivets, if necessary. This proposal is prompted by reports of damage to the underhead radiused rivets and surrounding fuselage skin during fuselage skin polishing operations following paint removal, and subsequent corrosion of the fuselage skin, on certain specified airplanes. This condition, if not corrected, could result in reduced structural integrity of the fuselage pressure vessel.

DATES: Comments must be received no later than February 28, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–237–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–237–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model BAe 146–200A series airplanes. There have been reports of damage to the underhead radiused rivets and fuselage skins on certain airplanes during fuselage skin polishing operations following paint removal. Where the rivet head is found to be severely abraded, a reduction in the fuselage skin thickness in the vicinity of the damaged rivet head is also likely to have occurred. There have also been reports of corrosion of the fuselage skins that have undergone polishing. This condition, if not corrected, could result in reduced structural integrity of the fuselage pressure vessel.

British Aerospace has issued the following service bulletins which the United Kingdom CAA has classified as mandatory:

(1) Service Bulletin 53–87, dated January 19, 1990, describes procedures for repetitive visual inspections to detect damaged underhead radiused rivets, cracked fuselage skins, and reduced thickness in fuselage skins; and replacement of rivets and repair of cracks, if necessary, on airplanes known to have been polished following paint removal operations.

(2) Service Bulletin 53–88, dated January 19, 1990, describes procedures for repetitive visual inspections to detect cracks and loose or missing underhead radiused rivets in specified areas of the fuselage skin; and repair of cracks and replacement of rivets, if necessary; on airplanes known to have sustained some damage during polishing operations following paint removal.

(3) Service Bulletin 53–98, dated September 26, 1990, describes procedures for repetitive visual inspections to detect corrosion of the fuselage skins on airplanes that have undergone polishing, and repair, if necessary.

This airplane model is manufactured in the United Kingdom and type certified in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, and AD is proposed which would require repetitive visual inspections to detect corrosion of the fuselage skin in areas that have

undergone polishing, cracks in the fuselage skin in areas of reduced skin thickness, and damage to the underhead radiused rivets; repair of corrosion and cracks; and replacement of rivets, if necessary, in accordance with the service bulletins previously described.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

It is estimated that 19 airplanes of U.S. registry would be affected by this AD, that it would take approximately 110 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $83,600.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 146–200A series airplanes; serial Numbers E2022 through E2025, E2028, E2030, E2031, E2034, E2036, and E2039 through E2048; certified in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage pressure vessel, accomplish the following:

A. For airplanes Serial Numbers E2022 through E2025, E2028, E2030, E2031, E2034, E2036, E2039 through E2048: Accomplish the following:

1. Within 30 days after the effective date of this AD, perform the following inspections:

a. A detailed visual inspection (including the use of a dial test indicator and 10× magnifying glass, where appropriate) of the rivets in the polished fuselage skins and the polished fuselage skins to detect rivet abrasion damage, loose or missing rivets, and skin cracks, in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of British Aerospace Service Bulletin 53–87, dated January 19, 1990.

b. An ultrasonic inspection of the fuselage skin, to detect reduced skin thickness, in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of British Aerospace Service Bulletin 53–87, dated January 19, 1990.

2. Repeat the inspections required by paragraph A.1. of this AD at intervals not to exceed 1,500 flights, as follows:

a. For fuselage sections of the airplane that continue to be polished, perform visual and ultrasonic inspections on alternate halves of the fuselage (e.g., left and then right, etc.), in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of British Aerospace Service Bulletin 53–87, dated January 19, 1990.

b. For fuselage sections that have had the fuselage skin painted subsequent to findings of rivet or skin damage resulting from polishing, perform only a visual inspection of those areas for skin cracks and loose or missing rivets.

c. For fuselage sections that have had the fuselage skin painted subsequent to findings of *no* rivet or skin damage resulting from polishing, no further action is required.

3. As a result of the inspections required by paragraph A.1. of this AD, accomplish the following:

a. If skin cracks or loose or failed rivets are found, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

b. Any rivets identified as category "A1" (between 0.002 to 0.000 inch in head height), must be replaced prior to further flight, with new rivets having the same part number, in accordance with paragraphs 2.A. and 2.B. of the Accomplishment Instructions of British Aerospace Service Bulletin 53–87, dated January 19, 1990.

c. At intervals not to exceed 1,500 flights, apply protective treatment to all rivets identified as having curved edges, in accordance with paragraph 2.A.9. of British Aerospace Service Bulletin 53–87, dated January 19, 1990.

B. For airplanes Serial Numbers E2022 through E2025, E2028, E2030, E2031, E2034, E2036, E2039 through E2048: Accomplish the following, in accordance with Paragraph 2.A. of British Aerospace Service Bulletin 53–98, dated September 26, 1990:

1. Within 6 months after the effective date of this AD, perform the following inspections:

a. A detailed visual inspection of the designated areas of the fuselage skins for signs of corrosion.

b. For airplanes that have been repainted, inspect the paint finish in the designated areas for underlying corrosion.

2. Repeat the inspections required by paragraph B.1. of this AD at intervals not to exceed 2,000 landings.

3. As a result of the inspections required by paragraph B.1. of this AD, accomplish the following:

a. If the paint finish in any area shows bubbling or other signs of distress, prior to further flight, the paint must be removed in accordance with Chapter 20–10–10 of the Airplane Maintenance Manual to allow a more detailed visual inspection to determine the extent of the damage.

b. If corrosion is found, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate.

C. For airplanes Serial Numbers E2022, E2024, E2025, E2028, E2036, and E2045: Accomplish the following, in accordance with British Aerospace Service Bulletin 53–88, dated January 19, 1990:

1. Prior to the accumulation of the number of flights identified in the "Compliance Period from Initial Polishing" column in paragraph D.1. of the service bulletin, perform a close visual inspection of the designated areas of the polished fuselage skin.

2. Repeat the inspections required by paragraph C.1. of this AD at intervals not to exceed 1,500 flights.

3. As a result of the inspections required by paragraph C.1. of this AD, accomplish the following:

a. If skin cracks or defects (loose or missing rivets) are found, prior to further flight, accomplish the following:

(1) Record the findings of cracks or defects, in accordance with paragraph 2.A.(3) of the service bulletin.

(2) If any loose rivets are found, remove the loose rivets and perform a detailed visual inspection to detect cracks around all vacant rivet holes using a 10× magnifying glass, in accordance with paragraph 2.A.(5) of the service bulletin.

(3) Repair cracks in a manner approved by the Manager, Standardization Branch, ANM–113, FAA Transport Airplane Directorate.

(4) Replace any missing or removed rivets with new rivets having the same part number.

b. If no cracks or defects are found, no further action is necessary for this inspection cycle.

D. Within 14 days after the inspections required by this AD, submit a report of all findings of the inspections, positive or

negative, including charts, to British Aerospace, in accordance with Paragraph 2.A.(13) of British Aerospace Service Bulletin 53–87, dated January 19, 1990; Paragraph 2.A.(7) of Service Bulletin 53–88, dated January 19, 1990; and Paragraph 2.A.(4) of Service Bulletin 53–98, dated September 26, 1990.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on December 27, 1990.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–533 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–273–AD]

Airworthiness Directives; British Aerospace Model DH/BH/HS 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAe/DH/BH/HS 125 series airplanes, which currently requires replacement of all main landing gear (MLG) door aluminum forward hinge fittings every 6,000 landings. This condition, if not corrected, could result in the MLG door failing to close when retracting the landing gear and subsequently exceeding the landing gear door design loads. This action would eliminate the British Aerospace Model BAe 125–800A series airplanes from the applicability of the AD. This proposal is prompted by reports that the Model BAe 125–800A series airplanes are equipped with hinge fittings with a different part number that is not addressed in the British Aerospace Service Bulletin cited in the AD.

DATES: Comments must be received no later than February 15, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, attention: Airworthiness Rules Docket No. 90–NM–273–AD, 1601 Lind Avenue SW., Renton Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–273–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On October 18, 1990, the FAA issued AD 90–23–01, Amendment 39–6786 (55 FR 45600, October 30, 1990), applicable to certain British Aerospace Model BAe/DH/BH/HS 125 series airplanes, to require replacement of all main landing gear (MLG) door aluminum forward hinge fittings every 6,000 landings. That action was prompted by reports of in-service failures of the hinge fitting door jack attachment lugs. This condition, if not corrected, could result in the MLG door failing to close when retracting the landing gear and subsequently exceeding the landing gear door design loads.

Since issuance of that AD, the FAA has received information indicating that the service bulletin cited in the AD does not apply to the British Aerospace Model BAe 125–800A series airplanes. Model BAe–125 800A series airplanes are equipped with MLG door aluminum forward hinge fittings that have a different part number from those installed on the Model DH/BH/HS 125 series airplanes; this part number is not specified in the referenced service bulletin as one that is subject to the addressed unsafe condition. For this reason, it is appropriate to delete the Model BAe 125–800A series airplanes from the applicability of the rule.

British Aerospace has issued Service Bulletin 32–218, dated July 28, 1988, which describes procedures to remove and replace all MLG door aluminum forward hinge fittings prior to the accumulation of 6,000 landings. The United Kingdom CAA has classified this service bulletin as mandatory. British Aerospace has also issued Service Bulletin 32–220–3176A, B, and C, dated September 2, 1988, which describes procedures for the installation of new stainless steel hinge fittings, which are not life-limited. The United Kingdom CAA has not classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this situation is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would supersede AD 90–23–01 with a new airworthiness directive that would require replacement of all main landing

gear (MLG) door aluminum forward hinge fittings on British Aerospace Model DN/BH/HS 125 series airplanes at intervals of 6,000 landings, in accordance with Service Bulletin 32–218. The proposal would also provide for terminating action as replacement of the fitting with a stainless steel fitting in accordance with Service Bulletin 32–220–3176A, B, and C.

It is estimated that 312 airplanes of U.S. registry would be affected by this AD, that it would take approximately 32 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for required parts is $7,260. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,644,480.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–6786 (55 FR 45600, October 30, 1990), AD 90–23–01, with the following new airworthiness directive:

British Aerospace: Applies to all Model DH/BH/HS 125 series airplanes, post-modification 255640, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure proper operation of the main landing gear (MLG) door, accomplish the following:

A. Prior to the accumulation of 6,000 landings on the right and the left MLG door aluminum forward hinge fittings, or within the next 400 landings after December 4, 1990 (the effective date of Amendment 39–6786, AD 90–23–01), whichever occurs later, and thereafter at intervals not to exceed 6,000 landings, replace the aluminum forward hinge fittings in accordance with British Aerospace Service Bulletin 32–218, dated July 28, 1988.

B. Replacement of an aluminum hinge fitting with a new stainless steel hinge fitting, in accordance with British Aerospace Service Bulletin 32–220–3176A, B, and C, dated September 2, 1988, terminates the requirements for the replacement of the hinge fittings required by paragraph A. of this AD.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on January 2, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–532 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90–ASO–30]

Proposed Establishment of Transition Area, Elizabethtown, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Elizabethtown, NC Transition Area. A standard instrument approach procedure (SIAP) has been developed to the Elizabethtown Airport predicated on the Elizabethtown nondirectional radio beacon (NDB). This proposed action would lower the base of controlled airspace from 1200 feet to 700 feet above the surface in vicinity of the airport. The additional controlled airspace is required for protection of instrument flight rules (IFR) aeronautical operations. Also, the operating status of the airport would be changed from visual flight rules (VFR) to IFR concurrent with publication of the SIAP.

DATES: Comments must be received on or before February 22, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, System Management Branch, Docket No. 90–ASO–30, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit

with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASO–30." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing data for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manger, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Elizabethtown, NC Transition Area. A standard instrument approach procedure has been developed to serve the Elizabethtown Airport and the additional controlled airspace is required for airspace protection of IFR aeronautical operations. If approved, the base of controlled airspace will be lowered from 1200 feet to 700 feet above the surface in vicinity of the airport. Additionally, the operating status of the airport would be changed from VFR to IFR concurrent with publication of the instrument approach procedure. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The FAA has determine that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71 DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97–449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Elizabethtown, NC [New]

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Elizabethtown Airport (lat. 34°36' 15" N., long. 78°35'15" W.).

Issued in East Point, Georgia, on December 27, 1990.

Don Cass,

Acting Manager, Air Traffic Div., Southern Region.

[FR Doc. 91–555 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–ASO–31]

Proposed Revision of Transition Area, Siler City, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Siler City, NC transition area. A new standard instrument approach procedure (SIAP) has been developed to serve the airport based on the Siler City nondirectional radio beacon (NDB). An arrival area extension would be added to the existing transition area to provide controlled airspace protection for instrument flight rules (IFR) aircraft executing the SIAP. Also, the radius of the existing area would be increased from 6.5 miles to 7.5 mile of the airport. Additionally, the name of the airport would be corrected from Siler City Municipal to Blair Municipal Airport and a minor correction would be made in the latitude/longitude coordinates of the airport.

DATES: Comments must be received on or before: March 1, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, System Management Branch, Docket No. 90–ASO–31, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASO–31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the

Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Siler City, NC transition area. An arrival area extension would be added to provide controlled airspace protection for aircraft executing in NDB SIAP to Runway 21 and the basic radius of the existing transition area would be increased from 6.5 to 7.5 miles of the airport. Also, the name of the airport would be corrected from Siler City Municipal to Blair Municipal Airport and a minor correction would be made to the latitude/longitude coordinate position of the airport. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Siler City, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Blair Municipal Airport (lat. 35°42'10" N., long. 79°30'20" W); within 3.5 miles each side of the 031° bearing from the Siler City NDB (lat. 35°45'39" N., long. 79°27'45" W. extending from the 7.5-mile radius area to 9.5 miles northeast of the NDB.

Issued in East Point, Georgia, on December 27, 1990.

Don Cass,

Acting Manager, Air Traffic Div., Southern Region.

[FR Doc. 91–554 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 90–AGL–19]

Proposed Alteration of Jet Route J–63

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice propose to alter the description of Jet Route J–63 located in the states of New York and Michigan. This proposal would modify J–63 by establishing an extension to the route from Syracuse, NY, to Traverse City, MI. This action would provide optimum use of the route structure and improve the flow of air traffic.

DATES: Comments must be received on or before February 22, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AGL–500, Docket No. 90–AGL–19, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–AGL–19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of

Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter the description of J–63. This proposal would modify J–63 by establishing an extension to the route between Syracuse, NY, and Traverse City, MI. This modification to the jet route is designed to facilitate air traffic flow, conserve fuel, minimize en route delays and reduce controller workload. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

Section 2. 75.100 is amended as follows:

J–63 [Revised]

From Kennedy, NY, via Huguenot, NY; INT of Huguenot 321°T(332°M) and Syracuse, NY, 149°T(160°M) radials; Syracuse; INT Syracuse 270°T(281°M) and Waterloo, Ontario, Canada 101°T(109°M) radials; Waterloo; Au Sable, MI; to Traverse City, MI. The airspace within Canada is excluded.

Issued in Washington, DC on December 26, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91–534 Filed 1–9–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–015]

RIN 1218–AA59

Electric Power Generation, Transmission, and Distribution; Electrical protective Equipment; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice extends the comment period on the Occupational Safety and Health Administration's (OSHA) proposed electric power generation, transmission, and distribution and electrical protective equipment standards published in the **Federal Register** on January 31, 1989 (54 FR 4974). The comment period is being extended for an additional 31 days.

DATES: Comments on the proposal must be postmarked by February 8, 1991.

ADDRESSES: Four copies of written comments must be sent to the Docket Office, Docket No. S–015, U.S. Department of Labor, room N2625, 200 Constitution Ave., NW., Washington, DC 20210. (Telephone: 202–523–7894.) Comments of 10 or fewer pages in length may also be transmitted by facsimile to 202–523–5046 (FTS 523–5046), provided that the original and three copies of the comment are sent to the Docket Office thereafter.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, room N3637, 200 Constitution Ave., NW., Washington, DC 20210 (Telephone: 202–523–8148).

SUPPLEMENTARY INFORMATION: On November 9, 1990 (55 FR 47074), OSHA reopened the record on the proposed electric power generation, transmission, and distribution and electrical protective equipment standards published in the **Federal Register** on January 31, 1989 (54 FR 4974). The record was reopened for a period of 60 days (until January 8, 1991) for the receipt of additional public comments.

OSHA received a letter from the Edison Electric Institute requesting an extension of the comment period to February 7, 1991. They were supported in this request by the International Brotherhood of Electrical Workers and by the National Electrical Safety Code Committee, which expects to have a consensus recommendation by February 8, 1991.

OSHA believes that additional time for comments will result in allowing parties to submit important information that should be considered in developing a final rule. Therefore, the Agency is extending the comment period an additional 31 days, until February 8, 1991.

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

This document is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR part 1911.

Signed at Washington, DC this 4th day of January, 1991.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 91–516 Filed 1–9–91; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 910103–0003]

RIN 0648–AC83

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement conservation and management measures as prescribed in Amendment 1 to the Fishery Management Plan for the Summer Flounder Fishery (amendment). This rule would require a minimum mesh size of 5.5 inches (13.97 centimeters (cm)) diamond mesh or 6.0 inches (15.24 cm) square mesh. Certain exemptions would apply to vessels using a fly net and to those vessels fishing in the northern range of the fishery.

DATES: Comments on the proposed rule must be received on or before February 19, 1991.

ADDRESSES: Comments on the proposed rule, the FMP, or supporting documents should be sent to Mr. Richard B. Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–3799. Mark the outside of the envelope "Comments on Summer Flounder."

Comments on the information collection requirements that would be imposed by this rule should be sent to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Washington, DC 20503, Attention Paperwork Reduction Act Project.

Copies of the Amendment, the environmental assessment, and the regulatory impact review (RIR) are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115 Federal Building, 300 S. New Street, Dover, Delaware 19901–6790.

FOR FURTHER INFORMATION CONTACT: Kathi Rodrigues, Resource Policy Analyst, 508–281–9324.

SUPPLEMENTARY INFORMATION:

Background

The amendment was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. A notice of availability for the proposed Amendment was published in the **Federal Register** on November 21, 1990 (55 FR 48660).

The Amendment revises management of the summer flounder fishery pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*, as amended. The management unit continues to be summer flounder (*Paralichthys dentatus*) in U.S. waters in the Atlantic Ocean from the southern border of North Carolina northward to the U.S.-Canada border. The objectives of the FMP continue to be: (1) Reduce fishing mortality on immature summer flounder; (2) increase the yield from the fishery; (3) promote compatible management regulations between the Territorial Sea and the Exclusive Economic Zone; and (4) minimize regulations to achieve the management objectives recognized above.

Summer flounder are overexploited. The best currently published indicators show fishing mortality at triple the rate that would produce the maximum yield per recruit. At this rate, only about 20 percent of all summer flounder that are alive now will be alive 1 year from now. Preliminary analyses from an October 1990 workshop indicate that fishing mortality rates may be much higher than previously estimated. A mortality rate of one third again as high as the minimum would result in only 10 percent of the summer flounder alive now surviving for 1 year. Obviously, gains in long-term yield from the fishery and increases in stock size could be realized by significantly reducing fishing mortality from current levels.

Long-term trends in abundance and recruitment of summer flounder were derived from several local and coastwide surveys. In general, these indices indicated that summer flounder were approximately five times more abundant in the mid to late 1970's than in the late 1980's. These surveys also indicated that the 1988 year class was poor and the 1989 and 1990 year classes "no better than average." In addition, the coastwide Northeast Fisheries Center (NEFC) survey did not collect any summer flounder older than age three in the 1990 survey, although a decade ago summer flounder as old at 10 years were collected. This indicates a severely compressed age composition of the summer flounder stock. Such age class compression poses a great risk to recruitment because the older, more fecund spawning adults are being to rapidly removed from the population. Most of the juvenile fish are being spawned by individuals that only get to spawn once or at most twice before they are caught.

Summer flounder commercial landings for the first quarter of 1990 verify the fishery independent survey indices. Commercial landings in 1989 plummeted to 21 million pounds (9,525,537.51 kilograms (kg)), the lowest in the past 15 years, which was 70 percent of the average landings for the 1980's. Landings for 1990 are projected to be even lower; only 29 percent as many pounds were landed during the first quarter of 1990 as were landed in 1989. Coastwide average price for the first quarter of 1989 was $1.38/pound, whereas in 1990 the average had risen to $1.94/pound, partially offsetting the reduced landings.

Management Measures

A minimum mesh size of 5.5 inches (13.97 cm) in the terminal portion of all otter trawl nets is proposed for this fishery. This measure would apply to all vessels with 500 or more pounds (226.8 kg) of summer flounder aboard. This will provide some measure of protection for the resource through reductions in mortality through escapement of small fish.

In light of the preponderance of larger fish in the northern end of the range of this fishery, an exemption to the mesh requirement is proposed. Vessels fished seaward of the line specified in the proposed rule can be exempted from the mesh requirement, provided they are not fished landward of the line.

Also, vessels using a "fly net," as defined in the proposed rule, would be exempted from the mesh requirement. These nets are employed in the southern range of the fishery. They are fished off the bottom and would collapse if a vessel operator attempted to fish the net on the bottom to catch summer flounder. This exemption may be rescinded if the bycatch of summer flounder taken by these nets exceeds 1 percent of the overall catch.

The proposed rule would adopt provisions similar to those contained in the Northeast Multispecies Fishery regulations at 50 CFR part 651, relating to the stowage of nets and net strengtheners. This aids in the enforcement of the minimum mesh size yet provides flexibility for those vessel owners who cannot stow nets below decks and attempts to minimize disruption with existing gear stowage practices in the industry.

Other measures are necessary to reduce the mortality level in the summer flounder fishery and allow for a rebuilding of the stock. However, these measures will undoubtedly be much more constraining than the minimum mesh size proposed at this time. The Council needs time to develop these measures, analyze their effects on the resource and the fishermen dependent on it, and place alternative management strategies before the affected public. The proposed minimum mesh size is intended to provide an interim level of protection while the Council develops a long-term management strategy for the summer flounder fishery.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires the Secretary of Commerce (Secretary) to

publish regulations proposed by a Council within 15 days of the receipt of the amendment and proposed regulations. At this time the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for the amendment that discusses the possible impact on the human environment as a result of this rule. A copy of the EA may be obtained from the Council (see ADDRESSES).

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order (E.O.) 12291. This determination is based on a draft regulatory impact review (RIR) prepared by the Council that demonstrates positive net long-term economic benefits to the fishery under the proposed management measures. The proposed rule, if adopted, is not expected to have an annual impact of $100 million or more, nor to lead to an increase in costs or prices to consumers, individual industries, Federal, state, or local government agencies, or geographic regions; nor to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. A copy of the draft RIR may be obtained from the Council (see ADDRESSES).

The proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 99–659, require the Secretary to publish this proposed rule within 15 days of its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business significant economic impact on a substantial number of small entities because of the reasons set forth in the RIR. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act. This rule would impose a minimum reporting requirement on approximately 200 fishermen who may apply for the exemption permit.

The Council determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. The Council determined that this rule will not affect the coastal zone of Pennsylvania. As of October 29, 1990, Delaware and New Hampshire agreed with the Council's determination. No other responses had been received.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 625

Fish, Fisheries, Vessel permits, and fees.

Dated: January 4, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 part 625 is proposed to be amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 625.4 is amended by adding new paragraphs (m) and (n) to read as follows:

§ 625.4 Vessel permits and fees.

* * * * *

(m) *Mesh exemption permits.* A permit holder may apply to the Regional Director for a mesh exemption permit. A mesh exemption permit exempts the owner or operator from the minimum mesh size requirements of § 654.24(a)(1) if the vessel is engaged in fishing exclusively seaward of the line specified in § 652.24(a)(2). Any person issued a mesh exemption permit by the Regional Director is subject to the other provisions of this part. Application must be made in accordance with paragraph (a) of this section.

(n) *Surrender.* (1) A permit issued for a vessel may be surrendered by the owner thereof by certified mail addressed to the Regional Director.

(2) The Regional Director will reissue a permit which is surrendered within 45 days from the date the request for reissuance is received.

3. Section 625.7 is amended by revising paragraph (a)(1) and by adding paragraphs (a)(3) through (a)(5) to read as follows:

§ 625.7 Prohibitions.

(a) * * *

(1) Land or possess at sea any summer flounder, or parts thereof, which fail to meet the minimum fish size specified in § 625.23;

* * * * *

(3) Fish for summer flounder in excess of 500 pounds (226.8 kg) with nets with mesh smaller than the minimum mesh size specified in § 625.24(a)(1);

(4) Fish for summer flounder landward of the line specified in §625.24 (a)(2) while possessing a valid mesh exemption permit issued under § 625.4(m); or

(5) Catch summer flounder in excess of 50 pounds (22.68 kg) per tow with a fly net described in § 625.24(a)(2).

* * * * *

4. Section 625.24 is added to read as follows:

§ 625.24 Gear Restrictions.

(a) (1) An owner or operator of an otter trawl vessel fishing for summer flounder must comply with the minimum mesh size requirement. The minimum mesh size is 5.5 inch (13.97 cm) mesh diamond mesh or 6 inch (15.24 cm) square mesh, inside measure, for at least 75 continuous meshes forward of the terminus of the net. The minimum mesh size requirement does not apply to the exceptions specified in paragraphs (a)(2) to (a)(4) of this section.

(2) A vessel owner or operator who is issued a mesh exemption permit under § 625.4(m) is exempt from the minimum mesh size requirement if the vessel is fishing exclusively seaward of the line specified as follows: the line follows 71°30′ west longitude south to its intersection with Loran C 8860–Y–43750, then northeasterly along Loran C 8860–Y–43750 to 41°00.0′N, 70°49.5′W, then easterly to 41°00.0′N, 70°30.0′W, then southerly to 40°50.0′N, 70°30.0′W, then easterly to 40°50.0′W, 69°40.0′W, then southerly to 40°33.5′N, 69°40.0′W, then southwesterly along Loran C 9960–Y–43500 to 40°26.5′N, 70°40.0′W, then northerly to 40°40.5′N, 70°40.0′W, then southwesterly along Loran C 9960– Y–43600 to 40°30.0′N, 72°00.0′W, then southerly to 40°17.8′N, 72°00.0′W, then southwesterly along Loran C 9960–Y–

43500 to 40°15.5'N, 72°20.0'W, then southerly along 72°20.0'W, to the southern limit of the management unit.

(3) A vessel owner or operator is exempt from the minimum mesh size requirement if the fishing vessel catches less than 50 pounds (22.68 kg) of summer flounder per tow and if the vessel uses a two seam otter trawl fly net with the following configuration:

(i) The net has large mesh webbing in the wings with a stretch mesh measure of 8 inch (20.32 cm) to 64 inch (162.56 cm);

(ii) The first body (belly) section of the net consists of 35 meshes or more of 8 inch (20.32) (stretch mesh) webbing or greater behind the bottom (footrope) and top (headrope); and

(iii) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2 inch (5.08 cm) (stretch mesh).

(4) A vessel owner or operator is exempt from the minimum mesh size requirement if the vessel retains less than 500 pounds (226.8 kg) of summer flounder per trip.

(b) If the Regional Director determines after a review of annual data that the summer flounder catch in the fly net fishery exceeds 1 percent of the total catch, he may rescind the exemption under paragraph (a)(3) of this section by notice in the **Federal Register.**

(c) A vessel owner or operator of an otter trawl vessel retaining more than 500 pounds (226.8 kg) of summer flounder on board and subject to the requirement specified in paragraph (a)(1) of this section may not have available for immediate use any net, or any piece of net, not meeting the mesh size requirements, or mesh that is choked off. A net that conforms to one of the four following specifications and that is not shown to have been in recent use is considered "not available for immediate use":

(1) Nets stowed below deck; a net is considered to be stowed below deck if it is fan folded (flaked) and bound around its circumference and securely fastened to the deck of the vessel. Towing wires (any wires including the "leg" wires), must be detached from the net.

(2) Nets stowed and lashed down on deck; a net is considered to be stowed and lashed down on deck if it is fan folded (flaked) and bound around its circumference and securely fastened to the deck or rail of the vessel. The towing wires (any wires including the "leg" wires), must also be detached from the net.

(3) Nets that are on reels and are covered and secured with the cod end removed; a net on a reel is considered to be "stowed and lashed down on deck" if the entire surface of the net on the reel is covered with canvas or similar material, which is securely bound. The towing wires (any wires including the "leg" wires), must also be detached from the net and the cod end removed from the net and stored below deck.

(4) Nets that are secured in a manner approved by the Regional Director. After review and approval, the Regional Director may specify alternative manner(s) of securing nets by notice in the **Federal Register.**

(d) A vessel owner or operator may not use any means or device that obstructs the meshes on the top of the regulated portion of a trawl net, except that one net strengthener may be attached (only at its outside edges) to the top of the regulated portion of a trawl net, if such net strengthener consists of mesh material similar to the material of the regulated portion of the net and has a mesh size of at least twice the authorized minimum mesh size. "Top of the regulated portion of the net" means the 50 percent of the entire regulated portion of the net, which (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor.

(e) Mesh sizes are measured by a wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of 5 kilograms. The mesh size will be the average of the measurements of any series of 20 consecutive meshes. The mesh in the regulated portion of the net will be measured at least five meshes away from the lacings, running parallel to the long axis of the net.

(f) If summer flounder are landed by a vessel issued a permit under § 625.4 in a State that has a larger minimum net mesh requirement, the State requirement is applicable notwithstanding the minimum mesh size requirements under paragraph (a) (1) of this section.

[FR Doc. 91-493 Filed 1-4-91; 4:19 pm]
BILLING CODE 3510-22-M

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50 CFR Part 651

[Docket No. 901246-0346]

RIN 0648-AC68

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). This rule would (1) impose mesh regulations in the Southern New England Area; (2) specify a minimum mesh size of 2½ inches (6.35 cm), unless specifically exempted; (3) establish framework measures to close areas or implement mesh restrictions to protect yellowtail flounder and Atlantic cod; (4) modify the reporting requirements in the Exempted Fisheries Program; (5) impose gear regulations in the northern shrimp fishery; (6) regulate the stowage of nets; (7) allow for a fishery on Cultivator Shoals for silver hake in the Regulated Mesh Area; and (8) include silver hake, red hake and ocean pout in the management unit. Amendment 4 (Amendment) is intended to improve the overall effectiveness of existing management measures and enhance the conservation of the groundfish stocks.

DATES: Comments on the proposed rule must be received on or before February 21, 1991.

ADDRESSES: Send comments on the proposed rule and Amendment to Richard B. Roe, Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

Copies of the Amendment, Environmental Assessment (EA), and Regulatory Impact Review (RIR), and other supporting documents are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01960.

Send comments on the proposed collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

SUPPLEMENTARY INFORMATION: The FMP, which was prepared by the New England Fishery Management Council (Council), was approved by the Director, Northeast Region, NMFS (Regional Director) on July 17, 1986. Regulations implementing the FMP were filed on August 20, 1986 (51 FR 29642) and became effective on September 15, 1986. Amendment 1 to the FMP, which was implemented on October 1, 1987 (52 FR 35093), responded to deficiencies that were identified by the Regional Director in his approval of the FMP. Amendment 2, which was implemented in January 1989 (54 FR 4798), improved the effectiveness of several of the existing

FMP measures in relation to two major factors: 1) The promotion of regulatory compliance, and 2) the long-term achievement of management objectives. Amendment 2 also adopted management measures that had previously been implemented in February 1988 as an emergency action.

Amendment 3 implemented the Flexible Area Action System (FAAS) on December 15, 1989 (54 FR 52803). Amendment 3 enabled the management system, including the Council, its Multispecies Committee, NMFS and other management agencies to respond in a more timely manner to protect large concentrations of juvenile, sublegal (smaller than the minimum legal size), and spawning fish.

Amendment 4 builds on the existing FMP measures and, in a number of ways, would break new ground for fisheries management in New England. It would impose the first mesh restrictions in the Southern New England area on a permanent basis; establish a minimum mesh size for all species, unless specifically exempted; provide a framework mechanism to allow the Regional Director to close limited areas to protect small yellowtail flounder; and impose square mesh net regulations, by notice in the **Federal Register**, to protect small cod.

Other proposed measures would strengthen existing FMP age-at-entry controls. The modifications to the Exempted Fisheries Program would enable the Council to obtain needed information to improve controls on the Exempted Fisheries Program in the Gulf of Maine. Gear regulations in the northern shrimp fishery, based on very recent conservation engineering research, would reduce the bycatch of regulated species. The amendment would add silver hake (whiting), red hake, and ocean pout to the multispecies management unit. It would further restrict the carrying of small mesh net on vessels fishing in the Regulated Mesh Areas, by imposing stowage requirements.

Although Amendment 4 does not develop explicit rebuilding strategies for overfished stocks, the Council has already started the development of Amendment 5 to solve this problem in the multispecies fishery. Amendment 4 does not include definitions of overfishing for key multispecies stocks and acknowledges that many of these stocks are being overfished because the percent maximum spawning potential (%MSP) targets are not being met. Scientists of the Technical Monitoring Group have informed the Council that in order to meet these targets, substantial increases in age-at-entry levels or reductions in fishing mortality (F) are required. Through its Multispecies Committee, the Council is now systematically considering a full range of alternatives for inclusion in Amendment 5 to meet the requirements of 50 CFR part 602 Guidelines for Fishery Management Plans.

Amendment 4 contains eight specific changes and additions to the management system. These are as follows:

1. Modify the Exempted Fisheries Program to: (a) Require Exempted Fisheries Permit holders to report the area in which they fished, the amount of fishing time, depth range, and mesh size used; (b) require Exempted Fisheries Permit holders to carry a sea sampler if requested to do so by the Regional Director; and (c) prevent Exempted Fisheries Permit holders from landing a higher bycatch of regulated species when they are really engaged in a directed fishery for silver hake or northern shrimp.

2. Provide a framework mechanism, with appropriate opportunity for public input, that would enable the Council, in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and NMFS, to recommend, annually if needed, to the Regional Director, shrimp gear modifications to minimize the bycatch of regulated species in the northern shrimp fishery.

3. Add silver hake (whiting) (*Merluccius bilinearis*), red hake (*Urophycis chuss*), and ocean pout (*Macrozoarces americanus*) to the multispecies finfish management unit.

4. Establish a 2½ inch (6.35 cm) minimum codend mesh size for the mixed trawl fishery that would apply throughout the range of species managed under the FMP. This measure would apply to multispecies fisheries, such as the exempted fisheries in the Gulf of Maine, not otherwise subject to the 5½ inch (13.97 cm) mesh size regulation, with the following provisions: (1) There would be a year-round exemption for a directed *Loligo* and *Illex* squid fishery; however, vessels using a mesh size smaller than 2½ inch (6.35 cm) to fish for squid must restrict their bycatch of all species included in the multispecies management unit (cod, haddock, pollock, winter flounder, yellowtail flounder, American plaice, witch flounder, redfish, silver hake, red hake, ocean pout, white hake, and windowpane flounder) to 25 percent or less of squid landings by weight on each fishing trip; (b) the fisheries for northern shrimp and herring would be exempt from this measure; however, operators of boats fishing for herring must limit their bycatch of the regulated species to 1 percent of their herring landings on each trip; and (c) the mesh size requirement would initially apply to 80 meshes counted from the end of a trawl net, and there would be a phase-in period of 2 years from the date of implementation of this amendment before it applied to all mesh in the net.

5. Change the designation of the recent experimental fishery for silver hake (whiting) in the Cultivator Shoal area to the "Cultivator Shoal whiting fishery" within boundaries and during a time period established by the Regional Director upon the recommendation of the Council on an annual basis. For the first year, and unless changed by the Council by recommendation to the Regional Director, the fishery would take place from June 15 through October 31 within the boundaries previously established for the experimental fishery. A special permit from the Regional Director would be required to fish for silver hake in the prescribed area. The Regional Director would be able to restrict the issuance of these permits if there were high discards of other species in the area. Vessels receiving a permit to fish in the Cultivator Shoal silver hake fishery would be required to fish exclusively for silver hake in the defined area. Permit conditions would be: (a) A trip bycatch limit of 1 percent of regulated species; (b) a minimum mesh size of 2½ inch (6.35 cm) in the codend and extension piece (160 meshes from the end of the net); and (c) reporting requirements, which would be the information called for in the Tier Two Fishing Trip Record (NOAA Form 88–30) used in the 1988 and 1989 experimental fisheries. The Regional Director would conduct periodic sea sampling to determine whether changes in the times and areas fished are needed and to determine the bycatch of regulated species, especially haddock. There would be a full review of data, annually, before changes of fishing dates. Changes would be published by notice in the **Federal Register**.

6. Replace the need to take action under FAAS with two measures designed to protect small fish, in areas where the occurrence of small fish can be adequately anticipated. The first measure (a) protects small yellowtail flounder in the Southern New England area; the second (b) protects large concentrations of small Atlantic cod on Stellwagen Bank and Jeffreys Ledge.

Measure (a) would authorize the Regional Director to close a part of the Southern New England yellowtail closure area or the Nantucket Lightship area to protect very large concentrations of juvenile yellowtail flounder, based on

biweekly sea sampling data. The closure would be limited to the area covered by ten 10-minute squares (approximately 770 square miles (1994.3 square kilometers)). Ten-minute squares are rectangles defined by 10 minutes of latitude of longitude. The closure would be implemented by a notice in the **Federal Register**. Additional notification would be provided through a notice to affected permit holders and the news media. The criterion for determining whether there is a large concentration of small yellowtail flounder in the area would be whether more than 50 percent of the catch by weight of yellowtail flounder are smaller than the legal minimum size (currently 13 inches (33.02 cm)). In the event that the catch rate for yellowtail flounder on sea sampling tows is less than 500 pounds (226.8 kg) per hour, the Regional Director would notify the Multispecies Committee so that it may recommend appropriate action. The area would reopen if less than 50 percent of the catch by weight of yellowtail flounder is smaller than the legal minimum size, or the catch rate for yellowtail flounder on sea sampling tows is less than 500 pounds (226.8 kg) per hour. If the catch rate is less than 500 pounds (226.8 kg) per hour, the Regional Director would consult with the Multispecies Committee before reopening the area.

Under measure (b), the Regional Director would be able to initiate a two-tiered action aimed at controlling high discards of juvenile cod during their spring migration through Stellwagen Bank and Jeffreys Ledge by publishing a notice in the **Federal Register**. The threshold at which the action would be automatically triggered is when there is an average 20 percent discard rate of "sublegal" cod (less than the regulated minimum size, currently 19 inches (47.83 cm)) during at least three geographically representative monitoring tows that are conducted with a NMFS-approved sea sampler on board. The minimum catch rate during the monitoring tows would be 500 pounds (226.8 kg) per hour. The period during which this action could take place would be February through July. However, the duration of the action could be only as long as is necessary to protect the concentrations of small fish. The action would be terminated by the Regional Director if he determines by monitoring tows conducted at least biweekly, that the threshold condition no longer exists. The Regional Director, as conditions warrant and in consultation with industry and enforcement officials, would be able to subdivide the designated action areas.

The initial tier of the action would require that vessels using bottom-tending mobile gear (trawl nets) use nets with mesh that is 5½ inches (13.97 cm) or larger, provided that the mesh comprising the first 50 bars of mesh in the net, counted from the end of the codend, would have to be at least 6-inch (15.24-cm) mesh hung on the square. During the control action, vessels in the area would be permitted to have available for immediate use only nets with 5½ inch (13.97-cm) mesh or larger. Any mesh less than 6 inches (15.24 cm) that is not part of the net would be stored in accordance with the restrictions placed on carrying small mesh while fishing in the Regulated Mesh Areas (see item 6). The second tier of the action would be triggered if the 20 percent discard rate persists with the use of 6-inch (15.24-cm) square mesh, or if the Regional Director were to determine that there is a significant degree of non-compliance with the 6-inch (15.24-cm) square mesh rule. It is the Council's intent that the Regional Director would close the affected area or areas to bottom-tending mobile gear.

7. Modify the regulations that allow vessels in the Regulated Mesh Area to have on board nets of smaller mesh than the regulated mesh, provided that it is not "available for immediate use." The language specifies that the nets must either be stowed below deck, stowed and lashed down on deck, secured in a manner approved by the Regional Director, or covered and secured on reels with the codend removed. The proposed modifications would specify: (a) A net is considered to be stowed below deck if it is located below the main working deck from which the net is deployed and retrieved, with the towing wires (any wires including the "leg" wires) detached from the net; (b) a net is considered to be "stowed and lashed down on deck" if it is fan-folded (flaked) and bound around its circumference and securely fastened to the deck or the rail of the vessel, with the towing wires (any wires including the "leg" wires) detached from the net; and (c) a net on a reel is considered to be "stowed and lashed down on deck" only if the entire surface of the net on the reel is covered with canvas or similar material that is securely bound, the towing wires (any wires including the "leg" wires) are detached from the net, and the codend is removed from the net and stored below deck.

8. Additional measures for the Southern New England yellowtail flounder closure area are proposed. The entire Southern New England yellowtail closure area would close on March 1 (currently the part west of 71°30' W. longitude closes on April 1). The closure would prohibit the use of all commercial fishing gear capable of catching yellowtail flounder. Such gear includes bottom-tending mobile net gear and scallop dredges. It does not include surf clam dredges, lobster gear, or hook and line gear. When the closure is not in effect, there would be a 5½-inch (15.24-cm) minimum mesh regulation in this area. The minimum mesh size would apply to 75 meshes from the end of the net in trawl nets and to all mesh in gillnets. Vessels fishing with mesh smaller than the yellowtail flounder mesh size could not have any yellowtail flounder stored below deck or on deck in baskets, totes, or other containers. Vessels with yellowtail flounder and small mesh aboard must follow the regulations pertaining to the carrying of small mesh while in the Regulated Mesh Area.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time, the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, would take into account the data, views, and comments received during the comment period.

The proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 99–659, require the Secretary to publish this proposed rule 15 days after its receipt. It is being reported to the Director, Office of Management and Budget (OMB), with an explanation of why it is not possible to follow procedures of that order.

The Council prepared an environmental assessment (EA) for the Amendment that is included in the Amendment document. You may obtain a copy of the EA from the Council (see **ADDRESSES**).

The Assistant Administrator for Fisheries, NOAA, has initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is based on the draft regulatory impact review (RIR), which demonstrates positive long-term economic benefits to the fishery under the proposed management measures.

The proposed rule, if adopted, is not expected to have an annual impact of $100 million or more, nor to lead to an increase in costs or prices to consumers, individual industries, Federal, state, or local government agencies, or geographic regions; nor to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. You may obtain a copy of the draft RIR from the Council (see **ADDRESSES**).

The proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The Exempted Fisheries Program information requirement in § 651.23(f) and the Cultivator Shoal Whiting Fishery information requirement in § 651.28(c)(3) have been submitted to OMB for approval. The public reporting burdens are 5 minutes per response for each submission. These collections of information were previously approved under OMB control number 0648–0212. The permitting requirement under § 651.28(c) has also been submitted to OMB for approval. This requirement has a public reporting burden of 2 minutes. Send comments regarding these burden estimates to John G. Terrill, NMFS, One Blackburn Drive, Gloucester, MA 01930; and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attn: Desk Officer for NOAA).

The Council prepared an RIR and an initial regulatory flexibility analysis (IRFA) for Amendment 4 that concluded that, if adopted, this proposed rule would have a significant economic impact on a substantial number of small entities. This determination was based upon the RIR and the analysis contained in the Amendment. The impacts of only two measures of the Amendment have been identified as being quantifiable using the New England Fishery Management Council's (Council) bioeconomic simulation model.

The measure requiring a minimum mesh size of 2½ inches (6.35 cm) has been determined to have a potential short-term adverse economic impact. In the first 2 years of implementation, it would cause an estimated decrease in landings of 7 percent from the southern stock and 12 percent from the northern stock. An additional 3 percent reduction in silver hake landings from the southern stock would occur for those fishing for squid. This is offset by a long-term (8 years) increase in silver hake landings of 6.6 percent from the northern stock and 0.91 percent from the southern stock, assuming constant fishing mortality at 1988 levels. Further expenses would occur due to net replacement costs, which are estimated between $600 for a codend and $3,000 for a trawl net.

The measure imposing a 5½ inch (13.97-cm) mesh requirement in the Southern New England Area would cause a short-term loss of yellowtail flounder landings estimated to be between 1.5 and 3.6 percent. The long-term increases in yellowtail landings are expected to range form 5 to 7 percent in the third year after implementation to a range of 12 to 19 percent in the tenth year. Smaller increases in landings of other regulated species are also expected to occur.

The measures closing areas or establishing mesh regulation when excessive discards of yellowtail flounder or Atlantic cod occur are not expected to have a significant economic impact. These actions would only be in place for the duration of the occurrence and are designed to take place only in discrete areas to reduce impacts significantly. Most of the discards occurring are of regulated finfish just under the minimum size. A short-term action would allow these species to reach legal size for harvest that could possibly occur in the same year.

The measure establishing gear regulations in the northern shrimp fishery requires that the Council annually review gear technology and make a recommendation to the Regional Director for the type of gear to be used in the upcoming fishery. The intended effect is to reduce the discards of multispecies finfish taken by traditional shrimp gear. As part of the recommendation, the Council would prepare an economic impact analysis. The recommendation and impact analysis would be made available to the public for a 30-day comment period before a final decision is made and the gear implemented.

The remaining measures impose little or no quantifiable adverse economic impacts on the affected public. The formal establishment of the Cultivator Shoals silver hake fishery would provide a positive benefit by allowing vessel operators to participate in a fishery that had been historically fished but prohibited by implementation of the FMP. In recent years, a limited fishery had been allowed through an experimental fishery designation authorized by the Regional Director. Ex-vessel value of silver hake landed from this fishery in 1988 averaged $46,000 per vessel. By participating in this fishery, vessel operators would be targeting on silver hake rather than the less abundant multispecies finfish.

The Council determined that this rule would be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal management programs of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. The State of Maine has responded previously that fishery management is not a listed activity under Maine's coastal management program and that no consistency review is required.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 651

Fishing, Fisheries, Vessel permits and fees.

Dated: January 4, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 651 is proposed to be amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 651.2 is amended by revising the definition of "Multispecies finfish" and by adding definitions for "Biweekly" and "Codend", in alphabetical order, to read as follows:

§ 651.2 Definitions.

* * * * *

Biweekly means occurring every 2 weeks.

* * * * *

Codend means the terminal section of a trawl net in which captured fish may accumulate.

* * * * *

Multispecies finfish includes, but is not limited to, the following finfish in the Northeast portion of the Atlantic Ocean EEZ.

Gadus morhua	Atlantic cod.
Glyptocephalus cynoglossus.	Witch flounder.
Hippoglossoides platessoides.	American plaice.
Limanda ferruginea	Yellowtail flounder.

Macrozoarces americanus.	Ocean pout.
Melanogrammus aeglefinus.	Haddock.
Merluccius bilinearis	Silver hake.
Pollachius virens	Pollock.
Pseudopleuronectes americanus.	Winter flounder.
Scophthalmus aquosus.	Windowpane flounder.
Sebastes marinus	Redfish.
Urophycis chuss	Red hake.
Urophycis tenuis	White hake.

* * * * *

3. In § 651.4, paragraph (n), the reference to "§ 651.22" is changed to read "§ 651.23".

4. In § 651.7, the first paragraph is designated "(a)"; paragraphs (a)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(8), (b)(11), and (d) are revised, and new paragraphs (b)(12), (b)(13), (b)(14), (b)(15), and (c) are added to read as follows.

§ 651.7 Prohibitions.

(a)* * *

(1) Land or possess any regulated species that fails to meet the minimum fish sizes specified in § 651.24.

* * * * *

(b)* * *

(2) Fish within the areas described in § 651.21(a) with nets of mesh smaller than the minimum size specified in § 651.21(b), unless the vessel is certified in an exempted fishery program established under § 651.23.

(3) Fish within the areas described in § 651.21(a) outside of the exempted fisheries area specified in § 651.23(a) while the vessel is certified to participate in the exempted fisheries program under § 651.23.

(4) Fish in areas specified in § 651.22 during a period in which that area is closed, unless allowed by that section.

(5) Fail to comply with the gear-marking requirements of § 651.26.

(6) Import regulated species that are smaller than the minimum sizes specified in § 651.24.

* * * * *

(8) Violate any provisions of the exempted fisheries program specified in § 651.23.

* * * * *

(11) Enter the area described in § 651.22(a)(2) during a period in which that area is closed, unless allowed by § 651.22(a).

(12) Fish with nets of mesh smaller than the minimum size specified in § 651.20 unless exempted by § 651.21, § 651.23 and § 651.25.

(13) Fish within the areas described in § 651.28 without a permit issued under § 651.28(c).

(14) Violate any provisions of the Cultivator Shoals Whiting Fishery specified in § 651.28.

(15) Violate any provisions specified in § 651.21(a)(3)(i), § 651.21(d), § 651.21(e)(2), § 651.21(f), and § 651.21(g).

(c) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulations or permit issued under the Magnuson Act.

(d) Presumption. The possession for sale of regulated species that do not meet the minimum sizes specified in § 651.24 for sale with be prima facie evidence that such regulated species were taken or imported in violation of these regulations. Evidence that such fish were harvested by a vessel not holding a permit under this part and fishing exclusively within state waters will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

§ 651.21 through 651.27 [Redesignated from §§ 651.20 through 651.26]

5. Sections 651.20, 651.21, 651.22, 651.23, 651.24, 651.25 and 651.26 are redesignated as §§ 651.21, 651.22, 651.23, 651.24, 651.25, 651.26 and 651.27, respectively, and a new § 651.20 is added to read as follows:

§ 651.20 Minimum mesh size for the mixed trawl fishery.

(a) Except as defined in § 651.21 (Regulated mesh area and gear limitations), § 651.23 (Exempted fishery program), and § 651.25 (Experimental fishing), the minimum mesh size on fishing trips landing multispecies finfish will be 2½ inches (6.35 cm).

(b) From April 14, 1991 to April 14, 1993, the provisions of paragraph (a) of this section will apply only to the 80 meshes counted from the terminus of the net. Thereafter, the provisions of paragraph (a) of this section will apply to the entire net.

6. Newly designated § 651.21 is amended by adding new paragraphs (a)(3) and (g), and by revising paragraphs (b)(1), (b)(3), and (f) to read as follows, and the reference to "§ 651.20(a)(2)(ii)" in paragraph (a)(2)(i) is changed to read "§ 651.21(a)(2)(ii)".

§ 651.21 Regulated mesh area and gear limitations.

(a)* * *

(3) Southern New England Yellowtail Area (Figure 3):

(i) Bounded by straight lines (rhumb lines) connecting the following points in the order stated:

Point	Latitude	Longitude
A	40°33.5′ N.,	69°40′ W.;
N	40°26.5′ N.,	70°40′ W.;
O	40°40.5′ N.,	70°40′ W.;
P	40°30′ N.,	72°00′ W.;
Q	40°17.8′ N.,	72°00′ W.,
R	40°15.5′ N.,	72°20′ W.;
S	40°39.0′ N.,	72°20′ W.;
T	40°42.0′ N.,	72°00′ W.;
U	40°48.2′ N.,	72°00′ W.;
V	41°00′ N.,	70.49.5′ W.;
W	41°00′ N.,	70°30′ W.;
X	40°50′ N.,	70°30′ W.;
Y	40°50′ N.,	69°40′ W.; and
A	40°33.5′ N.,	69°40′ W.

(ii) Vessels fishing with mesh smaller than that defined in paragraphs (b) and (c) of this section may not have any yellowtail flounder stored on deck in baskets, fish boxes (totes), or other containers, or below deck in any form. Vessels with yellowtail founder and small mesh aboard must follow the regulations pertaining to the carrying of small mesh defined in paragraph (f) of this section;

(b) *Trawl nets*—(1) *Diamond mesh.* Except as provided for in §§ 651.21(b)(3), 651.21(d), and 651.23, the minimum size for any trawl net, including midwater trawls, or Scottish seine, used by a vessel fishing in the mesh area described in paragraphs (a)(1), (a)(2), and (a)(3) of this section, is 5½ inches (13.97 cm) throughout the entire net.

* * * * *

(3) *Selective shrimp gear.* (i) The Council, in consultation with the ASMFC and NMFS, will review information on shrimp gear technology annually.

(ii) For 1991, the Council, in consultation with ASMFC, will make a recommendation to the Regional Director by July 15, on the appropriate shrimp gear to be used. The recommendation will include an economic impact analysis prepared by the Council and will specify the type of shrimp gear that should be used to minimize the bycatch of multispecies finfish. The Regional Director will publish notice of the Council's recommendation following the procedure of paragraph (b)(3)(iv) of this section.

(iii) For 1992 and after, if a change in shrimp gear is determined to be necessary, the Council will prepare an economic impact analysis and make a recommendation to the Regional Director by July 15 of each year. This recommendation will include the economic analysis and will specify the type of shrimp gear that should be used

to minimize the bycatch of multispecies finfish.

(iv) The Regional Director will publish a notice in the **Federal Register** informing the public of the Council's recommendation and making available the economic impact analysis. The notice will initiate a 30–day public comment period. Upon review of the public comments, a final notice informing the public of the Regional Director's decision to approve/disapprove the Council's recommendation and to specify the gear requirements will be published in the **Federal Register.**

(v) The shrimp season will extend from December 1 through May 30 unless modified by the ASMFC.

* * * * *

(f) Except as provided in paragraph (d) of this section, no vessel issued a permit under § 651.4 may have available for immediate use any net, or any piece of a net, not meeting the requirements specified in paragraphs (b) and (c) of this section, or mesh that is rigged in a manner that is inconsistent with § 651.21(e)(2), while in the areas described in paragraph (a) of this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be not "available for immediate use":

(1) A net stowed below deck, provided:

(i) It is located below the main working deck from which the net is deployed and retrieved; and

(ii) The towing wires, including the "leg" wires, are detached from the net.

(2) A net stowed and lashed down on deck, provided:

(i) It is fan-folded (flaked) and bound around its circumference;

(ii) It is securely fastened to the deck or rail of the vessel; and

(iii) The towing wires, including the leg wires, are detached from the net.

(3) A net that is on a reel and is covered and secured, provided:

(i) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(ii) The towing wires, including the leg wires, are detached from the net; and

(iii) The codend is removed from the net and stored below deck.

(4) Nets that are secured in a manner approved by the Regional Director, provided that the Regional Director has reviewed the alternative manner of securing nets and has published that alternative in the **Federal Register.**

(g) *Stellwagen Bank and Jeffreys Ledge Control Areas.* (1) During the period February 1 through July 31, the minimum mesh size and net storage requirements provided for in paragraph (g)(3) of this section will be required for bottom-tending mobile gear (trawl nets) in the following areas if the Regional Director determines that such mesh sizes are necessary according to the provisions in paragraph (g)(2) of this section:

(i) *Stellwagen Bank* (Figure 5). Bounded by straight lines connecting the following points in the order stated:

STELLWAGEN BANK AREA COORDINATES

Reference point	Latitude	Longitude	Approximate loran coordinates	Line description
S1	42°34.0′	70°23.5′	13737 44295	along 44295.
S2	42°28.8′	70°39.0′	13861 44295	
S3	42°21.6′	70°22.5′	13810 44209	
S4	42°05.5′	70°23.3′	13880 44135	along 44135.
S5	42°11.0′	70°04.0′	13737 44135	along 13737 to S1.

(ii) *Jeffreys Ledge* (Figure 5). Bounded by straight lines connecting the following points in the order stated:

JEFFREYS LEDGE AREA COORDINATES

Reference point	Latitude	Longitude	Approximate loran coordinates	Line description
J1	43°12.7′	70°00.0′	13369 44445 25826	along 4445.
J2	43°09.5′	70°08.0′	13437 44445 25845	along 70°08.0′.
J3	42°57.0′	70°08.0′	13512 44384 25779	along 44384.
J4	42°52.0′	70°21.0′	13631 44384 25805	25805 to 25804.
J5	42°41.5′	70°32.5′	13752 44352 25804	along 13752.
J6	42°34.0′	70°26.2′	13752 44300 25720	along 25720.
J7	42°55.2′	70°00.0′	13474 44362 25720	along 70°00′ to J1.

Note: LORAN lines and positions are included for the convenience of fishermen.

(iii) The areas described in paragraph (g)(1) of this section are maximum areas that are subject to subdivision by the Regional Director in consultation with industry and the Coast Guard as conditions warrant, taking into consideration that migratory nature or historic movements of the concentrations of cod.

(2) Determination of mesh size. (i) The Regional Director will require the minimum mesh size and net storage requirements stated in paragraph (g)(3) of this section for the areas described in paragraph (g)(1) of this section, if the catch of cod less than the minimum legal size averages 20 percent or more of total catch, by weight, of cod in trawl nets using 5½ inch (15.24 cm) diamond mesh, and the catch rate of cod exceeds 500 pounds (226.8 kg) per hour in each of three monitoring tows.

(ii) If the Regional Director determines that the conditions described in paragraph (g)(2)(i) of this section no longer exist, the Regional Director, by notice in the **Federal Register,** will remove the minimum mesh size and net storage requirements contained in paragraph (g)(3) of this section. The determination of whether the conditions

no longer exist will be based on at least three monitoring tows scientifically comparable to, and done in the same manner as, the tows upon which the implementation of the minimum mesh size and net storage requirements were based. Such tows will be conducted on at least a biweekly basis after the effective date of the mesh and net storage restrictions.

(3) Minimum mesh size and storage requirements. (i) If the conditions described in paragraph (g)(2) of this section are determined to exist by the Regional Director, notice will be provided in the **Federal Register** that the minimum mesh size for any mesh on board vessels in the area described in paragraph (g)(1) of this section shall be 5½ inches (13.97 cm) or larger except for the first 50 bars counted from the terminus of the net, which must be at least 6 inches (15.94 cm) in size and must be hung on the square.

(ii) Additional 5½ inch (13.97 cm) or larger mesh must be stored in accordance with the specifications outlined in § 651.21(f).

(4) If, during the period that the minimum mesh size requirements are in effect, it is determined that the threshold conditions described in paragraph (g)(2)(i) of this section continue to exist, based on subsequent sampling tows using 6-inch (15.24-cm) mesh, then the Regional Director will close the areas according to the provisions of § 651.22(c).

7. Newly designated § 651.22 is amended by revising paragraph (b)(2) and adding paragraphs (c) and (d) to read as follows, and the reference to "§ 651.21(b)" in paragraph (b)(3)(i) is changed to read "§ 651.22(b)."

§ 651.22 Closed areas.

* * * * *

(b) * * *

(2) The area defined in paragraph (b)(1) of this section will be regulated as follows:

(i) The area will be closed as of 0001 hours on March 1 of each year.

(ii) The entire area will be reopened at 2400 hours on May 31 of each year, or at an earlier date after May 1, by notice in the **Federal Register**, when the Regional Director, after consultation with the Council, determines that the closure has achieved the appropriate spawning level for yellowtail and winter flounder.

(iii) Paragraph (b)(2)(ii) of this section notwithstanding, the Regional Director may close parts of the area defined in paragraphs (b)(1) and (d) of this section by notice in the **Federal Register**, to protect large concentrations of juvenile yellowtail flounder provided that:

(A) The sub-areas are defined by 10-minute squares whose sides are 10 minutes of latitude and longitude;

(B) The maximum number of 10-minute squares that may be closed is ten;

(C) The decision is based on biweekly sea-sampling data that indicate that more than 50 percent of the catch, by weight, of yellowtail flounder is less than the minimum legal size on at least three 1-hour monitoring tows conducted by NMFS-approved sea samplers within a 3-day period, during which the catch rate of yellowtail flounder is at least 500 pounds (226.8 kg).

(D) If the catch rate for yellowtail flounder in the monitoring tows described in paragraph (b)(2)(iii)(C) of this section is less than 500 pounds (226.8 kg) per hour, the Regional Director will notify the Multispecies Committee so that it may recommend appropriate action.

(E) If the Regional Director determines that the closing criteria of 50 percent of the catch by weight of yellowtail flounder being less than the minimum size with a catch rate of 500 pounds (226.8 kg) no longer exists, the Regional Director will remove the closure requirements contained in paragraph (b)(2)(iii) of this section by notice in the **Federal Register**. If the catch rate is less than 500 pounds (226.8 kg), the Regional Director may reopen the area after consultation with the Multispecies Committee. The determination of whether the conditions no longer exist will be based on at least three monitoring tows, scientifically comparable to, and done in the same manner as, the tows upon which the implementation of the minimum mesh size and net storage requirements were based. Such tows will be conducted on at least a biweekly basis after the effective date of the closure.

* * * * *

(c) *Stellwagen Bank and Jeffreys Ledge Control Areas.* (1) If, after implementing the provisions of § 651.21(g), the Regional Director determines that the catch of cod less than the minimum legal size averages 20 percent or more of total catch of cod, and the catch rate exceeds 500 pounds (226.8 kg) of cod per hour, with nets required under § 651.21(g), the Regional Director will close, by notice in the **Federal Register**, all or part of the area to fishing with bottom-tending mobile nets (trawl nets).

(2) If the Regional Director determines that the conditions described in paragraph (c)(1) of this section no longer exist, the Regional Director will remove, by notice in the **Federal Register**, the closure requirements contained in paragraph (c)(1) of this section. The determination of whether the conditions no longer exist will be based on at least three monitoring tows scientifically comparable to and done in the same manner as the tows upon which the implementation of the minimum mesh size and net storage requirements were based. Such tows will be conducted on at least a biweekly basis after the effective date of the closure.

(d) *Nantucket Lightship* (Figure 6). (1) For purposes of protecting large concentrations of juvenile yellowtail flounder, the Regional Director may close the area defined in paragraph (d)(2) of this section according to the provisions specified in paragraph (b)(2)(iii) of this section.

(2) The area is bounded by straight lines connecting the following points in the order stated:

NANTUCKET LIGHTSHIP

Point	Latitude	Longitude
NL1	40°43′ N.,	70°00′ W.;
NL2	40°43′ N.,	68°59′ W.;
NL3	40°28′ N.,	69°12′ W.;
NL4	40°28′ N.,	70°00′ W.

8. In newly designated § 651.23, paragraphs (e) and (f) are revised and a new paragraph (i) is added to read as follows, and the reference to "§ 651.20(b)" in paragraph (a) is changed to read "§ 651.21(b)" and the reference to "§ 651.22(f)" in paragraph (c)(3)(i) is changed to read "§ 651.23(f)."

§ 651.23 Exempted fishery program.

* * * * *

(e) *Limitations.* (1) The minimum mesh size on vessels participating in an exempted fishery program is 2½ inches (6.35 cm) except for vessels directing effort in:

(i) The squid fishery, provided that vessels limit their bycatch of all multispecies finfish to 25 percent or less of squid landings by weight on each fishing trip;

(ii) The northern shrimp fishery, provided that vessels use shrimp gear specified according to § 651.21(b)(3);

(iii) The herring fishery, provided that vessels limit their bycatch of the following species to a total of 1 percent of herring landings, by weight, on each fishing trip: Cod, haddock, pollock, winter flounder, yellowtail flounder, American plaice, witch flounder, redfish, and silver hake.

(2) Participation in the exempted fisheries program is subject to: (i) Seasonal limitations, exempted species,

mesh and gear restrictions, and maximum percentage restrictions on the catch of other species as follows:

Period: June through November.

Target Species: Dogfish, mackerel, red hake, silver hake, and ocean pout.

Restrictions: Regulated species weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of dogfish, mackerel, red hake, silver hake, and ocean pout. Vessels must use mesh of a minimum of 2½ inches (6.35 cm.)

Period: December through January.

Target Species: Silver hake.

Restrictions: Regulated species weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of silver hake. Shrimp landings may not exceed 200 pounds (90.8 kg) on each trip during the months shrimp may be landed (see Northern Shrimp below). Vessels must use mesh of a minimum of 2½ inches (6.35 cm).

Period: June through November.

Target Species: Herring.

Restrictions: Regulated species and silver hake weight may not exceed 1% of the total landings of herring on each trip.

Period: December through May, or as specified by ASMFC [1].

Target Species: Northern shrimp.

Restrictions: Regulated species weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of shrimp. Gear must comply with the shrimp gear specified according to § 651.21(b)(3).

Period: January through December.

Target Species: Squid.

Restrictions: Multispecies finfish weight may not exceed 25% of squid landings by weight on each trip.

(ii) A vessel may not participate in the exempted fishery programs for whiting and shrimp at the same time; however, participants in the Exempted Fishery Program for whiting may retain up to 200 pounds (90.7 kg) of shrimp per trip during the shrimp season.

(3) Adjustments in the seasons, species or percentages of the exempted fisheries will be accomplished by regulatory amendment.

(f) *Recordkeeping and reporting.* The reporting period for the exempted fisheries will be equal to the participation period (from 7 to 30 calendar days). Within 1 week from the expiration of the reporting period or withdrawal from the program under paragraph (g) of this section, or receipt of a notice of revocation under paragraph (h) of this section, the participant must mail or deliver to the Regional Director a NOAA Form 88–30, "Tier Two Fishing Trip Record," listing, in pounds, all fish landed during participation in the Exempted Fishery Program on a trip-by-trip basis, or documentation that no fishing occurred. If no fish were landed, the participant must submit a document indicating no landings. In submitting NOAA Form 88–30, the participant may elect to identify the area fished by 10-minute squares instead of LORAN C coordinates, and is not required to estimate discards. The participant must provide, upon request of the Regional Director or his designee, trip landing records, kept in the normal course of business, that are certified as accurate by both the buyer and the seller for 1 year after his participation in the Exempted Fishery Program to confirm the information required on NOAA Form 88–30.

* * * * *

(i) *Sea Sampling.* (1) A participant in the Exempted Fishery Program must carry a sea sampler, from the NMFS Domestic Sea Sampling Program, if requested to do so by the Regional Director.

(2) NMFS may waive the sea sampling requirement based on a finding that the facilities for housing the sea sampler or for carrying out sea sampler functions are so inadequate or unsafe that the health or safety of the sea sampler or the safe operation of the vessel would be jeopardized.

(3) The participant, master, and crew must cooperate with the sea sampler in the performance of the sea sampler's duties including:

(i) Providing adequate accommodations;

(ii) Allowing for the embarking and debarking of the sea sampler as specified by NMFS. The operator of a vessel must ensure that transfers of sea samplers at sea are accomplished in a safe manner, via small boat or raft, during daylight hours as weather and sea conditions allow, and with the agreement of the sea sampler involved;

(iii) Allowing the sea sampler access to all areas of the vessel necessary to conduct sea sampler duties;

(iv) Allowing the sea sampler access to communications equipment and navigation equipment as necessary to perform sea sampler duties;

(v) Providing true vessel locations by latitude and longitude or loran coordinates, upon request by the sea sampler;

(vi) Providing marine specimens, as requested;

(vii) Notifying the sea sampler in a timely fashion of when commercial fishing operations are to begin and end; and

(viii) Complying with other guidelines, regulations or conditions that NMFS may develop to ensure the effective deployment and use of sea samplers.

9. In newly designated § 651.26, the reference to "§ 651.20" in paragraph (d) is changed to read "§ 651.21."

10. A new § 651.28 is added to read as follows:

§ 651.28 Cultivator Shoal whiting (silver hake) fishery (Figure 7).

(a) A fishery for whiting may occur annually in the regulated mesh area (§ 651.21), subject to the conditions specified.

(b) The Cultivator Shoal whiting fishery may occur in the area bounded by straight lines connecting the following points in the order stated:

CULTIVATOR SHOAL WHITING FISHERY

Reference point	Latitude	Longitude	Approximate loran coordinates
C1	42°10'N	68°10'W	13132 43970.
C2	41°25'N	68°45'W	13527 43767.
C3	41°05'N	68°20'W	13495 43627.
C4	41°55'N	67°40'W	13074 43861.

Note: Loran lines and positions are included for the convenience of fishermen.

[1] The Northern Shrimp Section of the Atlantic States Marine Fisheries Commission is responsible for the management of northern shrimp. The Section has the authority to adjust the regulatory period appropriate for the conservation of northern shrimp. The Section will consult the New England Fishery Management Council regarding recommendations to adjust the regulatory period with respect to the management of multispecies finfish.

(c) The Regional Director will issue permits to fish for whiting in the prescribed area subject to the following conditions:

(1) The trip bycatch limit under which the combined landings of regulated species (as defined in § 651.2) shall not exceed 1 percent of the landings of silver hake;

(2) The minimum mesh size of 2½ inches (6.35 cm) applied to the first 160 meshes counted from the terminus of the net must be used;

(3) A Tier Two Fishing Trip Record (NOAA FORM 88–30) must be received by NMFS for each fishing trip.

(d) The Regional Director will conduct periodic sea sampling to determine if there is a need to change the area or season designation, and evaluate the bycatch of regulated species, especially haddock.

(e) The Council will conduct an annual review of data to determine if there are any changes in area or season designation necessary, and make the appropriate recommendations to the Regional Director.

(f) Unless specified by publication of a notice in the **Federal Register**, the fishery will take place from June 15 through October 31.

11. Figures 5, 6, and 7 are added to Part 651 as follows:

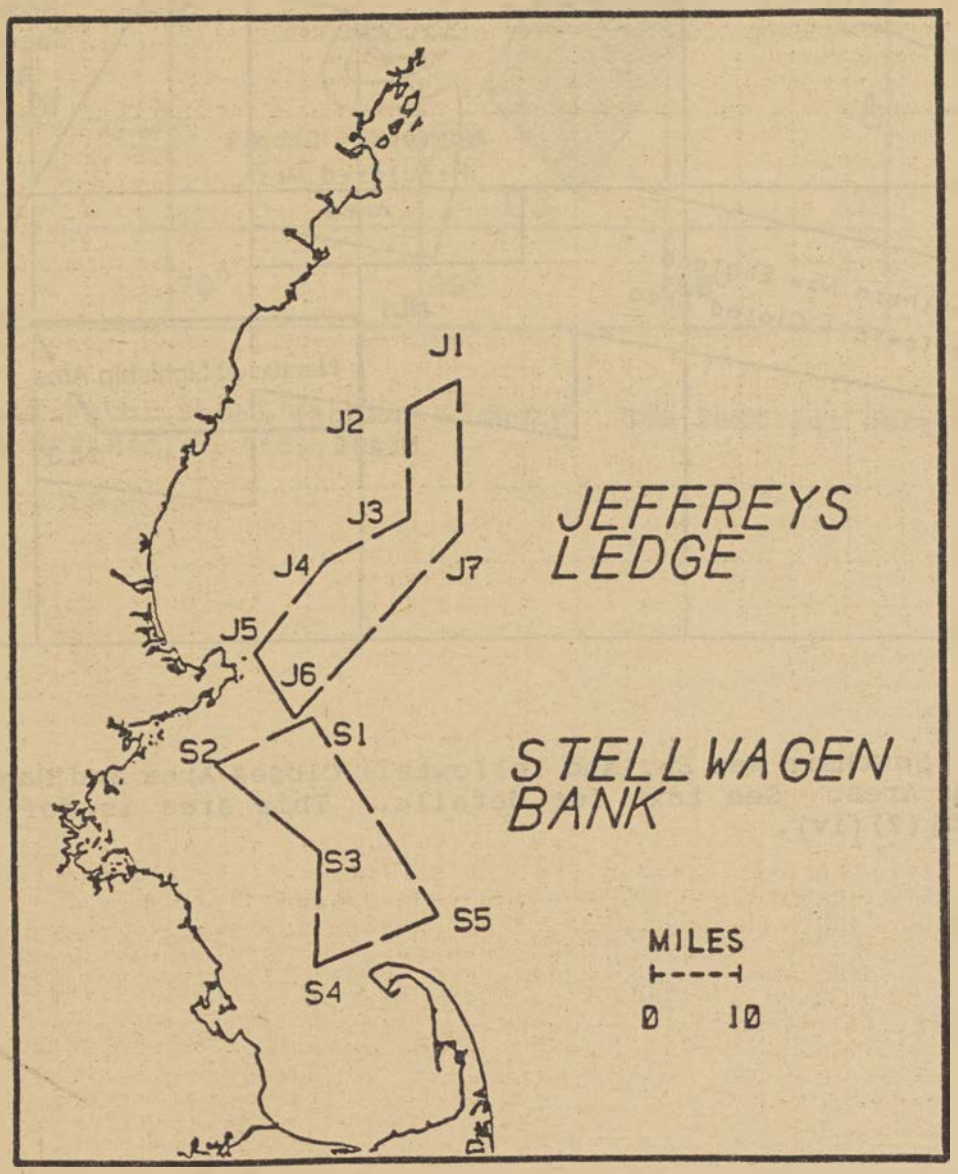

Figure 5. Jeffreys Ledge and Stellwagen Bank control areas. See text for details. This area is defined in §651.21(g).

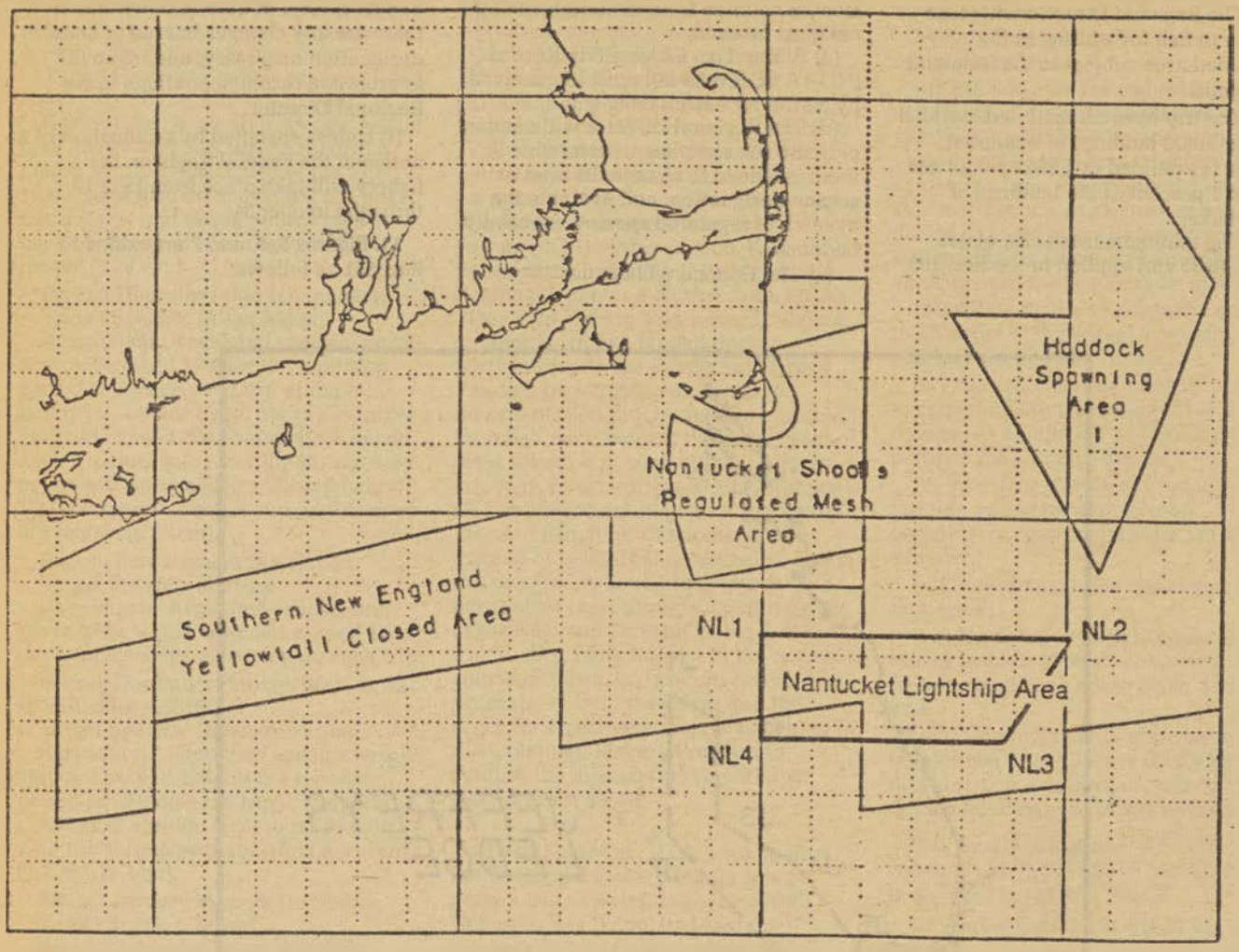

Figure 6. Southern New England Yellowtail Closed Area and Nantucket Lightship Area. See text for details. This area is defined in §651.22(b)(2)(iv).

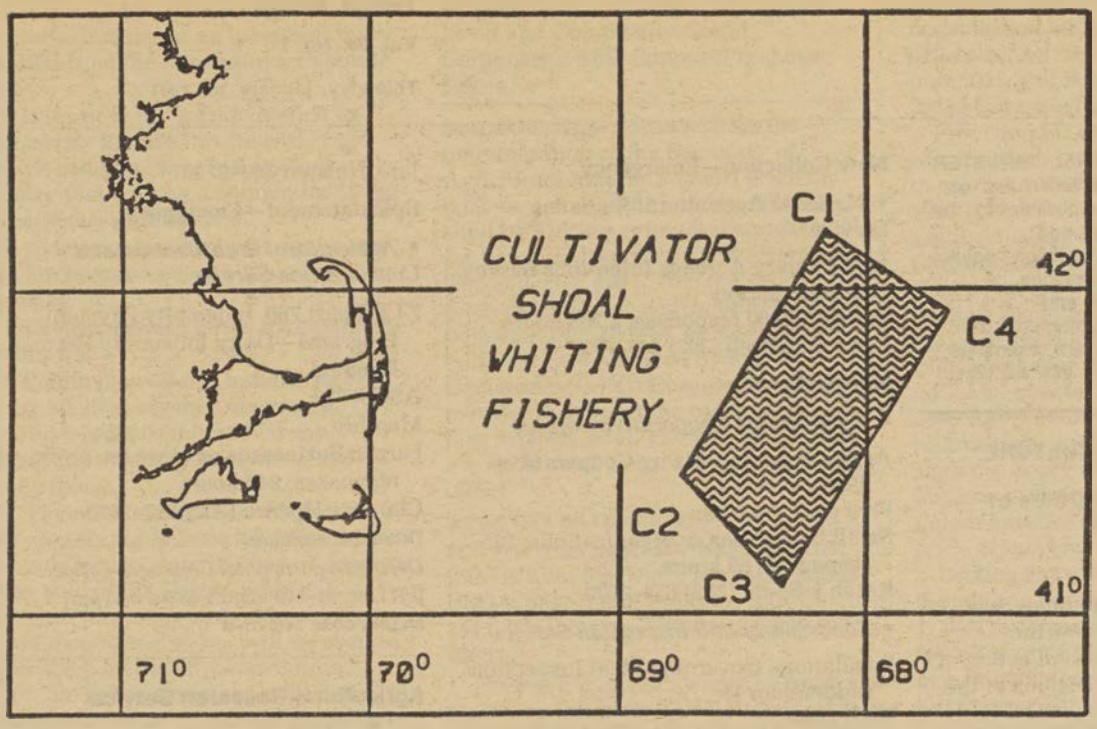

Figure 7. Cultivator Shoal Whiting Fishery. See text for details. This area is defined in §651.28.

[FR Doc. 91-550 Filed 1-7-91; 12:48 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 7
Thursday, January 10, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

January 4, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from:

Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Extension

• *Agricultural Marketing Service*

Limes Grown in Florida, Marketing Order No. 911
Recordkeeping; On occasion; Weekly; Annually
Farms; Businesses or other for-profit; Small businesses or organizations; 10,080 responses; 1,213 hours
Richard Schultz (202) 245–5172

New Collection—Emergency

• National Agricultural Statistics Service

1991 January Acreage Intentions Survey
One-time Survey
Farms; 18,900 responses; 2,205 hours
Larry Gambrell (202) 447–7737

New Collection

• *Agricultural Cooperative Service*

Agricultural Exports by Cooperatives, 1990
Five year intervals
Small businesses or organizations; 135 responses; 68 hours
Karen J. Spatz (202) 653–7079

• *Food Safety and Inspection Service*

Regulations Governing Meat Inspection (addendum 1)
FSIS 7234–1
Recordkeeping; On occasion
State or local governments; Businesses or other for-profit; Small businesses or organizations; 13,062 responses; 3,252 hours
Roy Purdie, Jr. (202) 447–5372

Reinstatement

• *Forest Service*

36 CFR Part 223—Disposal of National Forest Timber; Reports on export or substitution of unprocessed timber
FS–2400–43 through –46
On occasion
Small businesses or organizations; 16,400 responses; 8,200 hours
Ron Lewis (202) 475–3755

Reinstatement—Emergency

• *Farmers Home Administration*

7 CFR 1924–B, Management Advice to Individual Borrowers and Applicants
FmHA 431–1, –2, –4; 432–1, –2, –10
Recordkeeping; On occasion
Individuals or households; Farms; Businesses or other for-profit; Small businesses or organizations; 197,790 responses; 1,619,136 hours
Jack Holston 382–9736

• *Farmers Home Administration*

7 CFR 1945–D, Emergency Loan Policies, Procedures and Authorizations
FmHA 1940–38, 1945–15, 1945–22
On occasion
State or local governments; Farms; Businesses or other for-profit; Small businesses or organizations; 26,340 responses; 12,748 hours
Jack Holston 382–9736

Reinstatement—Emergency

• *Agricultural Stabilization and Conservation Service*

7 CFR part 760, Indemnity Payment Programs—Dairy Indemnity Payment Program
ASCS–373
Monthly
Farms; Businesses or other for-profit; 480 responses; 240 hours
Clarence Domire (202) 447–7673

Donald E. Hulcher,
Deputy Departmental Clearance Officer.
[FR Doc. 91–548 Filed 1–9–91; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Research Service

Intent to Grant an Exclusive License to Animal Biotechnology Cambridge, Ltd.

AGENCY: Agriculture Research Service, USDA.

ACTION: Notice of Intent; reopening of comment period.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Animal biotechnology Cambridge, Ltd., Cambridge, England, on U.S. Patent Application Serial No. 07/349,669, "Method to Preselect the Sex of Offspring," filed May 10, 1989.

DATES: Comments must be received by March 1, 1991.

ADDRESSES: Please send comments to: USDA–ARS–Office of Cooperative Interactions, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005, Room 401, BARC–W, Beltsville, Maryland 20705.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Cooperative Interactions at the Beltsville address given above; telephone: 301/344–2786, FAX: 301/344–5060.

SUPPLEMENTARY INFORMATION: This is a reopening of the comment period to a Notice of Intent given in the October 3, 1990 (55 FR 40414). The previous Notice expired on December 3, 1990.

Public comments received set forth various arguments, summarized as follows:

1. It is not appropriate to grant an exclusive license on an invention that resulted from the expenditure of public funds.

2. It is not in the public interest to exclusively license this invention to a foreign company that resides in a country that may be a competitor to the United States industry.

3. American industry was not aware that the invention is available for licensing.

ARS responses to these comments are as follows:

1. Public Law 96–517 authorizes exclusive licenses as a necessary incentive to bring into public use inventions resulting from the use of public funds.

2. The resultant license will require any product made from the invention to be made in the United States of America when sold in the United States of America. Licensing cannot be used to restrain competition but will be used to make the benefits of the invention available to the American public on reasonable terms. Exclusive licensing is authorized and used to assure a licensee that they will enjoy the fruits of their developmental and marketing efforts.

3. This extension of the Public Notice period gives American industry another opportunity to submit a competitive patent license application.

Notice of Availability was given in the Federal Register on December 19, 1989, and July 23, 1990, respectively. Patent rights to this invention are assigned to the United States of America as represented by the Secretary of Agriculture. The prospective license will be royalty-bearing, will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7 and will conform to the intent of 15 U.S.C. 3710a. The prospective license may be granted unless, by March 1, 1991, ARS receives a patent license application from an American company. The application must establish that the applicant has the plans and capabilities to bring the invention to public use within a reasonable period of time and the invention remain in public use thereafter on reasonable terms.

William H. Tallent,

Assistant Administrator.

[FR Doc. 91–514 Filed 1–9–91; 8:45 am]

BILLING CODE 3410–03–M

Commodity Credit Corporation

Milk Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Milk Price Support Level and Commodity Credit Corporation Milk Support Purchase Prices.

SUMMARY: This notice affirms the determination of the Secretary of Agriculture that the support price for milk containing 3.67 percent milkfat shall be $10.10 per hundredweight (cwt.) for the period January 1, 1991, through December 31, 1995. This notice also sets forth the prices at which, until further notice, butter, cheese, and nonfat dry milk will be purchased by the Commodity Credit Corporation ("CCC") in order to support the price of milk at that support level. The purchase prices are unchanged from those previously in effect.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Indulis Kancitis, Dairy Division, ASCS–USDA, 5747 South Building, P.O. Box 2415, Washington, DC 20013 (202)–447–3385.

The Final Regulatory Impact Analysis regarding this Notice of Determination is available from Charles N. Shaw, Dairy/Sweeteners Group, ASCS-USDA, P.O. Box 2415, Washington, DC 20013 (202)–447–6733.

SUPPLEMENTARY INFORMATION: This Notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "major" since the provisions of this notice will have an effect on the economy exceeding $100 million.

The title and number of the Federal Assistance Program to which this notice applies are: *Title*—Commodity Loans and Purchases; *Number*—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to this notice.

It has been determined by an environmental evaluation that the determination set forth in this notice is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is required.

This program/activity is not subject to the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Provision for the support of the price of milk for the years 1991–1995 is made in section 204 of the Agricultural Act of 1949 ("1949 Act"), as amended by section 101(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 ("1990 Act"). Milk prices are supported through the purchase by the CCC of milk and milk products; specifically, through CCC purchases of butter, nonfat dry milk and cheese. Section 101(b) of the 1990 Act provides that the notice and rulemaking provisions of 5 U.S.C. 553 shall not apply with respect to the implementation of section 204, including determinations relating to the level of price support for milk.

Section 204 of the 1949 Act provides that during the period beginning January 1, 1991, and ending on December 31, 1995, the price of milk shall be supported at a rate not less than $10.10 per hundredweight (cwt.) for milk containing 3.67 percent milkfat.

Section 204 of the 1949 Act also provides that if the Secretary estimates that the milk equivalent (total solids basis) of surplus dairy products to be purchased by CCC in any year will not exceed 3.5 billion pounds, the Secretary is required to increase the milk support price in effect by at least $.25 per cwt. on January 1 of such year.

If the Secretary estimates that the milk equivalent (total solids basis) of surplus dairy products to be purchased by CCC in any year will exceed 5.0 billion pounds, the Secretary is required to reduce the milk support price in effect by $.25 to $.50 per cwt. on January 1 of such year. The support price, however, may not be reduced below $10.10 per cwt.

Section 204 also provides that in estimating the expected purchases of milk and the products of milk the Secretary shall deduct the amount, if any, by which the level of imports into the United States of milk and the products of milk during the most recent calendar year exceeds the annual average level of imports into the United States of milk and the products of milk during the period January 1, 1986, through December 31, 1990 (milk equivalent, total milk solids basis).

Section 204 provides further that: (1) The CCC support purchase price for each of the products of milk (butter, cheese, and nonfat dry milk) announced by CCC shall be the same for all of that product sold by persons offering to sell the product to CCC; and, (2) the

Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by CCC, or achieve such other objectives as the Secretary considers appropriate.

The Secretary has estimated for 1991, that, as required by section 204, if the price support level of milk is continued at the minimum level of $10.10 per cwt. for milk containing 3.67 percent milkfat, purchases of milk and milk products by CCC will total 6.4 billion pounds (milk equivalent total milk solids basis—calculated using a weighted formula derived using 40 percent from a milkfat basis and 60 percent from a milk solids nonfat basis). In estimating the purchases of milk and milk products by CCC, the level of imports available for the most recent calendar year (1989) were considered and no adjustment for import levels was found to be necessary. Based on the estimated surplus and short and long term market considerations, it has been determined that effective January 1, 1991: (1) The support price for milk containing 3.67 percent milkfat will be continued at the minimum $10.10 per cwt. and that (2) the purchases by the CCC of butter, cheese, and nonfat dry milk at the prices set forth in this notice will continue to support the price of milk at $10.10 per cwt. in accordance with the provisions of section 204 and will allow for stability until market conditions indicate that a change is necessary.

The CCC purchase prices set out in this notice are subject to additional terms and conditions as CCC may announce.

Determination

(1) The level of price support for the period January 1, 1991, through December 31, 1995, shall be $10.10 per cwt. for milk containing 3.67 percent milkfat.

(2) The purchase of butter, cheese, and nonfat dry milk, at the prices set forth below will support the price of milk at a rate equivalent to $10.10 per cwt. for milk containing 3.67 percent milkfat. Effective January 1, 1991, until further notice, CCC purchase prices for butter, cheese, and nonfat dry milk shall be as follows:

	Dollars per pound
Butter, 64- & 68-lb. blocks (U.S. Grade A or higher, (Salted))	0.9825
Nonfat dry milk (spray), 50-lb. bags (U.S. Extra Grade, but not more than 3.5 percent moisture) Nonfortified	0.8500
Fortified (Vitamins A and D)	0.8600
Cheddar cheese, standard moisture basis [1]	
40- & 60-pound blocks, U.S. Grade A or higher (No vat shall contain more than 38.5 percent moisture)	1.1100
500 lb. in fiber barrels, U.S. Extra Grade (No vat shall contain more than 36.5 percent moisture)	1.0700

[1] The cheese price will be adjusted for moisture content as shown in the Moisture Adjustment Cheese Price Chart (Form ASCS–150).

(3) Further terms and conditions for CCC price-support purchases of butter, cheese, and nonfat dry milk will be set forth in CCC purchase announcements for such purchases.

Authority: Sec. 204 of the Agricultural Act of 1949, as amended.

Signed at Washington, DC on January 4, 1991.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91–535 Filed 1–9–91; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Bent Flat Timber Sale, Flathead National Forest, Spotted Bear Ranger District, Flathead County, Montana; Intention to Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of a proposal to harvest timber and construct roads in portions of Bent, South and Flat Creek drainages, on the Spotted Bear Ranger District, Flathead County, Montana. This EIS will tier to the Flathead National Forest Land and Resource Management Plan and EIS of January, 1986, which provide overall guidance in achieving the desired future condition for the area. The primary purpose and goal for the proposed action is to help satisfy short-term demands for raw materials for wood products and provide for a continuous supply of forest resources in the future.

While some preliminary scoping was done for this project during the preparation of an Environmental Assessment for the Bent and Flat Creek areas from 1984–1989, the Forest Service is seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may now be interested in or affected by the proposed actions. This input will be used in preparing the Draft EIS. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Identification of additional reasonable alternatives.
5. Identification of potential environmental effects of the alternatives.
6. Determination of potential cooperating agencies and task assignments.

The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed.

DATES: Comments concerning the scope of the analysis should be received 30 days after this notice is published to receive timely consideration in the preparation of the draft EIS.

ADDRESSES: Send written comments to Gregory A. Warren, District Ranger, Spotted Bear Ranger District, P.O. Box 340, Hungry Horse, MT 59919.

FOR FURTHER INFORMATION CONTACT: Debbie Bond, Bent Flat Interdisciplinary Team Leader, or Gregory Warren, District Ranger, at (406) 387–5243.

SUPPLEMENTARY INFORMATION: Management activities under consideration would occur in an area encompassing approximately 10,300, acres of National Forest lands in the Spotted River Geographic Unit, on the Spotted Bear Range District, as delineated in the Flathead Forest Plan. Included in the area of analysis are all or portions of the following: Sections 26, 27, 31–36, T26N, R15W, and sections 1–12, 16–18, T25N, R15W, and sections 4 and 9 T25N, R14W, and portions of section 33, T26N, R14W, Principal Montana Meridian. Management activities may include the construction and subsequent closure of approximately four miles of new roads and the harvesting of approximately 480 acres of timber within the area of consideration. Other minor activities include fishery improvement projects and elk forage improvement projects. Some of these activities may occur within Forest Inventoried Roadless Area ES–485.

The Land and Resource Management Plan for the Flathead National Forest provides the overall guidance for management activities in the potentially

affected area through its goals, objectives, standards and guidelines, and management area direction. In the Forest Plan, timber harvest and road construction was tentatively scheduled in the Bent Creek and Flat Creek drainages in 1986.

Most areas of proposed harvest and road construction for the Bent Flat project are within Management Area 15E. Some activity is also planned in MA 13. Forest plan direction states that Management Area 15E consists of lands where timber management with roads is economical and feasible. The management goal is to manage those lands suitable for timber production for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, wildlife habitat, and roaded recreation opportunities. There is an emphasis on providing a variety of habitats compatible with the adjacent MA 13.

Management Area 13 consists of forested lands capable of providing mule deer and elk winter habitat. The objectives are to provide the size, age, diversity and distribution of habitat units (both cover and forage) suitable for mule deer and elk winter habitat. Goals also include managing suitable lands for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, other wildlife habitat, and roaded recreational opportunities.

The proposal was designed to meet the Forest Plan standards and guidelines.

The analysis will consider a range of alternatives. One of these will be the "no-action" alternative, in which the tree harvest and road construction activities would not be implemented. Other alternatives will examine various levels and locations of harvest and road construction to provide emphasis on differing mixes of timber and non-timber resource values.

The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. As appropriate, the EIS will disclose the site specific features that reduce or eliminate potential environmental impacts.

Public participation is especially important at several points of the analysis. People may visit Forest Service officials at any time during the analysis and prior to the decision. However, two periods of time are identified for the receipt of comments on the analysis. The two public comment periods are during the scoping process (now through 30 days after this notice is published in the **Federal Register**) and in the review of the Draft EIS (May 15-July 1, 1991). An open house meeting is tentatively scheduled for February 23, 1991 at the Hungry Horse Ranger Station, Hungry Horse, Montana.

The Fish and Wildlife Service, Department of the Interior, will be informally consulted through the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinon of the effects on the Threatened and Endangered Species including grizzly bear, gray wolf, and bald eagle.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in May, 1991. At that time the EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The public comment period on the draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage because of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. It is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

Following this comment period, the comments received will be analyzed, considered and responded to by the Forest Service in the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by September 1991. The District Ranger for the Spotted Bear Ranger District, Flathead National Forest is the responsible official for the preparation of this EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: December 31, 1990.

Gregory A. Warren,

District Ranger, Spotted Bear Ranger District, Flathead National Forest.

[FR Doc. 91-572 Filed 1-9-91; 8:45 am]

BILLING CODE 3410-11-M

The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting and field trip of The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council. The meeting and field trip will be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

DATES: January-25, 1991, 10:00 a.m.

ADDRESSES: Interested persons and Council members should meet at Kiamichi Area Vo-Tech just west of Talihina at 10:00 a.m. The field trip will be followed by a regular meeting of the Council at the Kiamichi Vo-Tech.

FOR FURTHER INFORMATION CONTACT: Gary Pierson, 501-321-5281.

SUPPLEMENTARY INFORMATION: The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council was created by the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-13). The Council, comprised of 20 members, appointed by the Secretary of Agriculture September 25, 1989, will meet periodically. The

purpose of this Council is advisory in nature. The Council shall provide information and recommendations to the Secretary regarding the operation of the Ouachita National Forest in Le Flore County. The Council is composed of representatives from the local area in which the Ouachita National Forest is located, equally divided among conservation, timber, fish and wildlife, tourism and recreation, and economic development interests.

Mike Curran, Supervisor of the Ouachita National Forest will chair the meeting. Representatives of the Forest Service will attend from the Department of Agriculture including the designated officer of the Federal Government. The agenda for this meeting will include: A field trip to various portions of the forest to review timber, trail and wildlife management work, followed by a regular meeting. Other agenda items include the Holsom Valley Road and right-of-way access to private land within the forest boundary.

Dated: January 2, 1991.

John M. Curran,

Forest Supervisor.

[FR Doc. 91-746 Filed 1-9-91; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 901235-0335]

Annual Surveys in Manufacturing Area

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

DETERMINATION: In conformity with title 13, United States Code (sections 131, 182, 224, and 225), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Gaylord Worden on (301) 763-5850.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to take surveys necessary to furnish current data on the subjects covered by the major censuses authorized by title 13, United States Code. These surveys will provide continuing and timely national statistical data on manufacturing for the period between economic censuses. The next economic census will be conducted in 1992. The data collected in these surveys will be within the general scope and nature of those inquiries covered in the economic census.

Most of the following commodity or product surveys provide data on shipments or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

These surveys have been approved by the Office of Management and Budget (OMB Control Numbers 0607-0392, 0607-0395, 0607-0476, 0607-0604, 0607-0625, and 0607-0650) in accordance with the Paperwork Reduction Act, Pub. L. 96-511, as amended.

Annual Current Industrial Reports

MA22F—Yarn production
MA22K—Knit fabric production
MA22Q—Carpets and rugs
MA23D—Gloves and mittens
MA23E—Men's and boys' apparel
MA23F—Women's apparel
MA23G—Underwear and nightwear
MA23H—Children's apparel
MA24T—Lumber production and mill stocks
MA28A—Inorganic chemicals
MA28B—Inorganic fertilizer materials and related products
MA28C—Industrial gases
MA28F—Paint and allied products
MA28G—Pharmaceutical preparations, except biologicals
MA31A—Footwear
MA32C—Refractories
MA32E—Consumer, scientific, technical, and industrial glassware
MA33A—Ferrous castings
MA33B—Steel mill products
MA33E—Nonferrous castings
MA33L—Insulated wire and cable
MA35A—Farm machinery and lawn an garden equipment
MA35D—Construction machinery
MA35F—Mining machinery and mineral processing equipment
MA35J—Selected industrial air pollution control equipment
MA35L—Internal combustion engines
MA35M—Air-conditioning and refrigeration equipment
MA35N—Fluid power products
MA35P—Pumps and compressors
MA35Q—Anti-friction bearings
MA35R—Computers and office and accounting machines
MA35X—Robots
MA36A—Switchgear, switchboard apparatus, relays, and industrial controls
MA36E—Electric housewares and fans
MA36F—Major household appliances
MA36H—Motors and generators
MA36K—Wiring devices and supplies
MA36M—Radios, televisions, and phonographs
MA36P—Communication equipment
MA36Q—Semiconductors and printed circuit boards
MA36R—Electromedical equipment
MA37D—Aerospace orders
MA38B—Selected instruments and related products

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments that are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MA20A—Flour milling products
MA22D—Consumption on the woolen system and worsted combing
MQ22T—Broadwoven fabrics (gray)
MQ23X—Sheets, pillowcases, and towels
MQ32A—Flat glass
M32D—Clay construction products
M32G—Glass containers
M33D—Aluminum producers and importers
M33J—Inventories of steel producing mills
MQ34E—Plumbing fixtures
MQ34H—Closures for containers
MA34K—Steel shipping drums and pails
MQ35D—Construction machinery
MQ36B—Electric lamps
MQ36C—Fluoroscent lamp ballasts
M37G—New complete aircraft and aircraft engines, except military
M37L—Truck trailers

Annual Survey of Manufactures

The annual survey of manufactures collects industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, supplemental labor costs, and so forth. This survey, while conducted on a sample basis, covers all manufacturing industries, including data on plants under construction but not yet in operation.

This survey has been approved by the Office of Management and Budget (OMB Control Number 0607-0449) in accordance with the Paperwork Reduction Act, Pub. L. 96-511, as amended.

Annual Survey of Research and Development

A survey of research and development (R&D) activities is

conducted. The major data obtained in this survey include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D and, for comparative purposes, the total net sales and receipts and the total employment of the company.

This survey has been approved by the Office of Management and Budget (OMB Control Number 3145–0027) in accordance with the Paperwork Reduction Act, Public Law 96–511, as amended.

Annual Survey of Pollution Abatement Costs and Expenditures

The annual survey of pollution abatement costs and expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. This survey also will obtain the costs recovered from abatement activities.

This survey has been approved by the Office of Management and Budget (OMB Control Number 0607–0176) in accordance with the Paperwork Reduction Act, Pub. L. 96–511, as amended.

Annual Survey of Plant Capacity

The annual survey of plant capacity is revised for this year to collect information such as the amount of time a plant is in operation; operating rates as related to full production and production in a national emergency; the value of production and the reasons for operating at less than capacity.

This survey has been approved by the Office of Management and Budget (OMB Control Number 0607–0175) in accordance with the Paperwork Reduction Act, Pub. L. 96–511, as amended.

Annual Survey of Plant and Equipment Expenditures

The annual survey of plant and equipment expenditures is designed to collect total actual and planned expenditures by industry for new plant and equipment. This survey covers the part of total nonfarm business not surveyed each quarter by the quarterly survey of plant and equipment expenditures.

This survey has been approved by the Office of Management and Budget (OMB Control Number 0607–0641) in accordance with the Paperwork Reduction Act, Pub. L. 96–511, as amended.

Supplemental Annual Survey of Plant and Equipment Expenditures

This survey represents an annual counterpart of the quarterly plant and equipment expenditures survey. The survey will cover only those companies that do not report in the quarterly survey. Accordingly, there will be no duplication in reporting. Annual and quarterly expenditures and planned annual expenditures on new plant and equipment will be collected.

This survey has been approved by the Office of Management and Budget (OMB Control Number 0607–0641) in accordance with the Paperwork Reduction Act, Pub. L. 96–511, as amended.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, DC 20233.

CONCLUSION: I have, therefore, directed that these annual surveys be conducted for the purpose of collecting the data as described.

Dated: December 27, 1990.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 91–498 Filed 1–9–91; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Partially Closed Meeting

A meeting of the Importers and Retailers' Textile Advisory committee will be held on Thursday, January 25, 1990, 1:30 p.m.–3:30 p.m., Herbert C. Hoover Building, room H3407, 14th Street and Constitution Avenue, NW., Washington, DC 20230. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets and retailing of cotton, wool, and man-made fiber, silk blend and other vegetable fiber textiles.)

General Session: 1:30 p.m. Review of import trends, international activities, report on conditions in the market, and other business.

Executive Session: 2:30 p.m. Discussion of matters properly classified under Executive Order 12356 (3 CFR, 1982 Comp. p. 166) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room H6628, U.S. Department of Commerce, (202) 377–3031.

For further information or copies of the minutes, contact Theresa Stuart (202) 377–3737.

Dated: January 4, 1991.

Augustine D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–538 Filed 1–9–91; 8:45 am]

BILLING CODE 3510–DR–M

Management-Labor Textile Advisory Committee; Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held on Wednesday, January 25, 1991, 10:30 p.m.–12:30 p.m., Herbert C. Hoover Building, room H3407, 14th Street and Constitution Avenue, NW., Washington, DC 20230. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise officials of problems and conditions in the textile and apparel industry.)

General Session: 10:30 p.m. Review of import trends, report on conditions in the domestic market, and other business.

Executive Session: 11:30 a.m. Discussion of matters properly classified under Executive Order 12356 (3 CFR, 1982 Comp. p. 166) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room H6628, U.S. Department of Commerce, (202) 377–3031.

For further information or copies of the minutes, contact Theresa Stuart (202) 377–3737.

Dated: January 4, 1991.

Augustine D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–537 Filed 1–9–91; 8:45 am]

BILLING CODE 3510–DR–M

Minority Business Development Agency

Business Development Center Applications: Nassau/Suffolk Long Island, New York

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its

Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $184,260 in Federal funds and a minimum of $32,516 in non-Federal contributions for the budget period June 1, 1991 to May 31, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Nassau/Suffolk Long Island, NY SMSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

• Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.

• Section 319 of Public Law 101–121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and the SF–LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

• Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

• Awards under this program shall be subject to all Federal and Departmental regulations, policies, and, procedures applicable to Federal assistance awards.

• Applicants should be reminded that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

CLOSING DATES: The closing date for applications is February 14, 1991. Applications must be postmarked on or before February 14, 1991.

ADDRESSES: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, 3720, New York, New York 10278, Area Code/ Telephone Number: (212) 264–3262.

FOR FURTHER INFORMATION CONTACT: John F. Iglehart, Regional Director, New York Regional Office.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 31, 1990.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

[FR Doc. 91–524 Filed 1–9–91; 8:45 am]

BILLING CODE 3510–21–M

Business Development Center Applications: U.S. Virgin Islands

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $165,000 in Federal funds and a minimum of $29,118 in non-Federal contributions for the budget period June 1, 1990 to May 31, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the U.S. Virgin Islands SMSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points);

and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

- Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.
- Section 319 of Public Law 101–121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants Loans, and Cooperative Agreements" and the SF–LLL, "Disclosure of Lobbying Activities" (if applicable), is required.
- Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.
- Awards under this program shall be subject to all Federal and Departmental regulations, policies, and, procedures applicable to Federal assistance awards.
- Applicants should be reminded that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

CLOSING DATE: The closing date for applications is February 14, 1991. Applications must be postmarked on or before February 14, 1991.

ADDRESSES: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, 3720, New York, New York 10278, Area Code/Telephone Number: (212) 264–3262.

FOR FURTHER INFORMATION CONTACT: John F. Iglehart, Regional Director, New York Regional Office.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 31, 1990.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

[FR Doc. 91-523 Filed 1–9–91; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Permits; Foreign Fishing

In accordance with a memorandum of understanding with the Secretary of State, the National Marine Fisheries Service, on behalf of the Secretary of State, publishes for public review and comment a summary of applications received by the Secretary of State requesting permits for foreign fishing vessels to operate in the Exclusive Economic Zone under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*). This notice specifically concerns a single submission from the Union of Soviet Socialist Republics which applies to fish for 25,000 metric tons (mt) of Atlantic mackerel and proposes to purchase 10,000 mt of JV mackerel. Send comments on this application to:

NOAA—National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1335 East West Highway, Silver Spring, Maryland 20910,

and/or, to one or both of the Regional Fishery Management Councils listed below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422.

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, room 2115, 320 South New Street, Dover, DE 19901, 302/674–2331.

For further information contact John D. Kelly or Robert A. Dickinson [Office of Fisheries Conservation and Management, 301–427–2337].

Dated: January 4, 1991.

David S. Crestin,

Acting Director, Office of Fishery Conservation and Management.

The following Soviet factory ships (type "10") and large stern trawlers (type "15") have applied for the activities indicated ("1" denotes directed fishing, "4" denotes JV and "6" denotes transfers of US processed product):

Permit No.	Vessel	Type	Fishery	Activity
UR–91–0798	Trudovaya Slava	10	NWA	1 4 6
UR–91–0988	Robert Eyhe	10	NWA	1 4 6
UR–91–0889	Nikolay Danilov	10	NWA	1 4 6
UR–91–0890	Inzner Yudintsev	15	NWA	1 4 6
UR–91–0891	Kauguri	15	NWA	1 4 6
UR–91–0892	Nikolai Berzarin	15	NWA	1 4 6
UR–91–0893	Ekholot	15	NWA	1 4 6

[FR Doc. 91–594 Filed 1–9–91; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION ON AGRICULTURAL WORKERS

Hearing

AGENCY: Commission on Agricultural Workers.

ACTION: Announcemnt of hearing.

SUMMARY: The Commission on Agricultural Workers will hold its fifth public hearing in Weslaco, Texas on January 16 and 17, 1991.

The Commission, established by the Immigration Reform and Control Act (IRCA) of 1986 under section 304 is charged with evaluating the Special Agricultural Worker (SAW) provisions of IRCA and with reviewing several specific aspects relating to the demand for and supply of agricultural labor. The Commission will hear testimony on these issues with specific reference to Texas.

The hearing will be open to the public.

DATES: January 16, 7 p.m.–9 p.m., January 17, 9 a.m.

ADDRESSES: Texas A & M Ag Center Building, Hoblitzelle Auditorium, 2415 East Highway 83, Weslaco, TX.

FOR FURTHER INFORMATION CONTACT: Beth Bickley, Telephone: (202) 673–5348.

Dated: January 7, 1991.

Richard R. Peterson,

Acting Executive Director.

[FR Doc. 91–604 Filed 1–9–91; 8:45 am]

BILLING CODE 6820–62–M

DEPARTMENT OF DEFENSE

Department of the Army

Meeting; Military, Personal, Property Symposium

AGENCY: Military Traffic Management Command (MTMC), U.S. Army.

ACTION: Notice of Open Meeting.

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on January 17, 1990 at the Best western Old Colony Inn, Alexandria, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

PROPOSED AGENDA: The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the DOD 4500.34R, Personal Property Traffic Management Regulation, and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

FOR FURTHER INFORMATION CONTACT: All interested desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MTPP–M, at telephone number 756–1600, between 0800–1530 hours. Topics to be discussed should be received on or before September 3, 1990.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 91–564 Filed 1–9–91; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

On Thursday, December 13, 1990, a Notice of a closed meeting of the Chief of Naval Operations (CNO) Executive Panel U.S. Navy-Soviet Navy Exchanges Task Force was published at 55 FR 51313. That meeting was originally scheduled to be held on January 8, 1991. That meeting date has been changed.

The Chief of Naval Operations (CNO) Executive Panel U.S. Navy-Soviet Navy Exchanges Task Force will now meet January 25, 1991 from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the Executive Panel, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302–0268, Phone (703) 756–1205.

Dated: January 3, 1991.

Wayne T. Baucino,

LT. JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91–743 Filed 1–9–91; 8:45 am]

BILLING CODE 3810–AE–M

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

On Thursday, December 13, 1990, a Notice of a closed meeting of the Chief of Naval Operations (CNO) Executive Panel Technology Surprise Task Force was published at 55 FR 51313. That meeting was originally scheduled to be held on January 9, 1991. That meeting date has been changed.

The Chief of Naval Operations (CNO) Executive Panel Technology Surprise Task Force will now meet January 25, 1991, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302–0268, Phone (703) 756–1205.

Dated: January 3, 1991.

Wayne T. Baucino,

LT. JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91–742 Filed 1–9–91; 8:45 am]

BILLING CODE 3810–AE–M

Planning and Steering Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Planning and Steering Advisory Committee will meet January 25, 1991 from 0900 to 1500, at the Center for Naval Analyses, 4401 Ford Avenue, Arlington, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss topics relevant to SSBN security. The entire agenda will consist of classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that all sessions of the meeting will be closed to the public because they concern matters listed in 552(b)(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Lt. J.E. Williams, USN (OP–213E), Pentagon, Room 4D544, Washington, DC 20350, Telephone Number: (703) 695–0665).

Dated: January 3, 1991.

Wayne T. Baucino,

Lieutenant, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91–744 Filed 1–9–91; 8:45 am]

BILLING CODE 3810–AE–M

United States Naval Observatory; Notice Concerning Certain Information Provided in Support of Litigation, and of Adopted Procedures and Fees

AGENCY: Department of the Navy, Defense.

ACTION: Notice.

SUMMARY: This Notice outlines the astronomical data relevant to litigation the United States Naval Observatory will provide to individuals, and the

procedures and fees associated with providing such astronomical data.

DATES: Effective January 10, 1991, all communications regarding astronomical data relevent to litigation received by the United States Naval Observatory shall be answered only by letter forwarded by first-class mail.

FOR FURTHER INFORMATION CONTACT: Superintendent, Code AA, U.S. Naval Observatory, Washington, DC 20392–5100.

SUPPLEMENTARY INFORMATION: The United States Naval Observatory receives requests for determinations of the times of rising and setting of the sun and moon or for the positions of those bodies, relative to specific dates and geographic locations. This astronomical data may be relevant to various aspects of litigation. Litigants and their attorneys requesting data from the United States Naval Observatory are advised:

1. Alternative sources for astronomical data, times of phenomena and expert testimony exist and should be considered first. Although the United States Naval Observatory has responded to requests for statements providing data for use in litigation, it is the intent of the United States Naval Observatory not to compete with private sources on matters in which the United States has no interest. Therefore, requests for information to support litigation are not solicited by the United States Naval Observatory. Personnel will not be supplied as expert witnesses.

2. Actual observations of rising, setting, etc. are not regularly conducted or recorded by the United States Naval Observatory. Consequently, it is not possible to transmit an affidavit regarding the making, authority over, or custody of astronomical records. It is also not possible to provide any statement which could establish that, upon a search, no record was found.

3. Data which set forth the quantitative circumstances of astronomical phenomena at a specific location, as stated in writing by the United States Naval Observatory, are the result of a calculation. Acceptance of such documentation by any court may be expected to vary according to applicable rules of evidence.

4. Federal Law (31 U.S.C. 9701) and Department of Defense Regulation (DoD Instruction 7230.7, "User Charges") require advance payment of fees, based on the actual cost to the Government, whenever services are provided which convey special benefits to receipients, above and beyond those accruing to the public at large. The calculation of astronomical data and phenomena for specific places and dates with, or without, certification of authenticity are services which convey special benefits in the sense of Federal Law and Defense Department Regulation. The Regulation also prescribes the exact method for computation of fees. The United States Naval Observatory will provide an itemized statement of required fees for the service necessary to calculate and authenticate data for litigation when request is made. Prior payment of fees may be waived only when consistent with public policy or interest served.

Dated: December 31, 1990

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91–566 Filed 1–9–91; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.142]

College Facilities Loan Program; Notice Inviting Applications for New Awards Under the College Facilities Loan Program for Fiscal Year 1991

Purpose: The College Facilities Loan Program provides low interest loans to eligible undergraduate postsecondary educational institutions for the construction, reconstruction, or renovation of housing facilities, undergraduate academic facilities, and other educational facilities for students and faculties.

Deadline for Transmittal of Applications: April 16, 1991.

Applications Available: February 15, 1991.

Available Funds: $29,277,000.

Estimated Range of Awards: $250,000 to $3,000,000.

Estimated Average Size of Awards: $1,500,000.

Estimated Number of Awards: 20.

Project Period: Until completion.

Priorities: In accordance with the requirements of section 763 of the Higher Education Act, 20 U.S.C. 1132g-2(b), and 34 CFR 614.3(c), the Secretary gives priority to loans for renovation or reconstruction of older undergraduate academic facilities, and undergraduate academic facilities that have gone without major renovation or reconstruction for an extended period of time. In order to accomplish this objective, $15,000,000 will be reserved for loans for the renovation or reconstruction of older undergraduate academic facilities, and undergraduate academic facilities that have gone without major renovation or reconstruction for an extended period of time, and $14,277,000 will be reserved for loans for housing facilities. In accordance with 34 CFR 75.105(c)(3), under this competition the Secretary funds only applications that meet either of these two absolute priorities.

Deadline for Intergovernmental Review: June 17, 1991.

Applicable Regulations: Education Department General Administrative Regulations (EDGAR) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations), subpart D of 34 CFR part 75 (Direct Grant Programs) §§ 75.105, 75.600–75.616; 34 CFR Part 77 (Definitions that Apply to Department Regulations); 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities); 34 CFR part 82 (New Restrictions on Lobbying); 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide requirements for Drug-Free Workplace (Grants)); and 34 CFR part 86 (Drug-Free Schools and Campuses). Final regulations governing the College Facilities Loan Program, as codified in 34 CFR part 614, were published in the **Federal Register**, 52 FR 30560, on August 14, 1987.

Technical Assistance Workshops: Applicants are invited to participate in a technical assistance workshop to assist applicants in application preparation. The workshop will take place in the GSA Regional Office Building Auditorium, 7th and D Streets, SW., Washington, DC on March 4, 1991 from 9 a.m. until noon. Reservations are not necessary. For specific information on the workshop, please contact the Division of Higher Education Incentive Programs at (202) 708–8398.

For Applications or Information Contact: Joseph P. Ferguson, U.S. Department of Education, 400 Maryland Ave., SW., room 3022, ROB–3, Washington, DC 20202–5339. Telephone: (202) 708–9401.

Program Authority: 20 U.S.C. 1132g–1132g–3.

Dated: December 24, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 91–501 Filed 1–9–91; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.064]

Veterans' Education Outreach Program; Notice Inviting Applications for New Awards for Fiscal Year 1991

Purpose of Program: Provides funds to institutions of higher education to provide outreach and recruitment activities, counseling and tutorial services, and special programs for disabled, incarcerated and educationally disadvantaged veterans.

Deadline for Transmittal of Applications: May 10, 1991.

Applications Available: March 1, 1991.

Available Funds: $2,733,000.

Estimated Range of Awards: $1,000–$50,000.

Estimated Average Size of Awards: $5,000.

Estimated Number of Awards: 550.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Deadline for Intergovernmental Review: July 9, 1991.

Applicable Regulations: Education Department General Administrative Regulations (EDGAR) 34 CFR parts 74, 75, 77, 79, 82, 85 and 86; (b) The regulations for this program in 34 CFR part 629.

For Applications or Information Contact: Ronald D. Amon, U.S. Department of Education, 400 Maryland Ave., SW., room 3022, ROB–3, Washington, DC 20202–5339. Telephone: (202) 708–7861.

Program Authority: 20 U.S.C. 1070e–1.

Dated: December 24, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 91–500 Filed 1–9–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER91–193–000, et al.]

Louisville Gas and Electric Co., et al. Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Louisville Gas and Electric

[Docket No. ER91–193–000]

January 3, 1991.

Take notice that on December 31, 1990, Louisville Gas and Electric Company ("Louisville") tendered for filing an Interchange Agreement between itself and Illinois Municipal Electric Agency ("IMEA") dated December 1, 1990. Under the Interchange Agreement Louisville and IMEA are to achieve a coordinated operation that provides for the sale, purchase and interchange of electric power and energy. Louisville requests waiver of the notice provisions of the Commission's regulations to allow the Interchange Agreement to be accepted for filing and to become effective as of December 1, 1990.

Comment date: January 11, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. TECO Power Services Corp.

[Docket No. EC91–3–000]

January 4, 1991.

Take notice that on December 21, 1990, TECO Power Services Corporation (Power Services) filed an application with the Federal Energy Regulatory Commission (the "Commission") for authorization to transfer facilities pursuant to section 203 of the Federal Power Act.

In the Commission's November 19, 1990, Order Granting Intervention, Denying Rehearing, and Accepting Proposed Agreements in Docket No. ER90–164–001, 53 FERC ¶61,202 (1990) (the "Order"), the Commission accepted three long-term power sales agreements, as modified, for filing. These agreements provide for sale of capacity and energy to the Seminole Electric Cooperative and the Tampa Electric Company from a proposed gas-fired generating facility to be located in Polk and Hardee Counties, Florida (the "Project"), and for the purchase and resale by Power Services to Seminole of 145 MW of capacity and energy from Tampa Electric Company's Big Bend 4 facility.

Power Services seeks approval under section 203 in connection with Power Services' proposed transfer of the three agreements and all governmental authorizations related thereto to an affiliated partnership. The partnership has been established to facilitate financing of the Project. The partnership would assume Power Services' responsibilities to construct, own and operate the Project. Both the sole general partner and the sole limited partner of the partnership are wholly-owned subsidiaries of Power Services.

Comment date: January 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Power & Light Co.

[Docket No. ER91–188–000]

January 4, 1991.

Take notice that on December 31, 1990, Wisconsin Power & Light Company ("WP&L") tendered for filing certain Letter Agreements between WP&L and Citizens Power and Light Corporation. WP&L requests waiver of the notice requirements to allow an effective date of May 1, 1990.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Power & Light Co.

[Docket No. ER91–187–000]

January 4, 1991.

Take notice that on December 31, 1990, Wisconsin Power & Light Company ("WP&L") tendered for filing an amendment, effective January 1, 1991, to the Interconnection Agreement between WP&L and Magison Gas & Electric Company. WP&L requests waiver of the notice requirements.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Ocean State Power II

[Docket No. ER91–184–000]

January 4, 1991.

Take notice that on December 27, 1990, Ocean State Power II ("Ocean State II") tendered for filing supplements to various of its rate schedules. The supplements are amendments to the unit power agreements between Ocean State II and various of its customers. The amendments are intended to correct typographical errors and clarify ambiguities. According to Ocean State II, the amendments do not constitute a rate increase.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Allegheny Power Service Corp., on Behalf of Monongahela Power Co., The Potomac Edison Co., West Penn Power Co.

[Docket No. ER91–189–000]

January 4, 1991.

Take notice that on December 31, 1990, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company ("the APS Companies") tendered for filing a Standard Transmission Service Rate Schedule which offers to any customer, whether investor-owned utility, cooperative or municipal system, cogenerator, small

power producer or other qualifying facility, independent power producer, or other entity, a standard transmission service through the facilities of the APS Companies. The proposed effective date for the rate schedule is December 31, 1990.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Interstate Power Co.

[Docket No. ER91-178-000]

January 4, 1991.

Take notice that on December 24, 1990, Interstate Power Company (Company) tendered for filing the Third Amendment, dated August 30, 1989 to Facilities Agreement dated September 4, 1981, as supplemented, with Iowa-Illinois Gas and Electric Company. This amendment provides for a normally open line tap by Interstate to the Interstate owned portion of a 69 KV line which interconnects the two utilities.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Vermont Electric Power Co.

[Docket No. ER91-177-000]

January 4, 1991.

Take notice that on December 24, 1990, Vermont Electric Power Company, Inc., as agent for three utilities—Citizens Utilities Company, Franklin Electric Light Company, Inc. and Green Mountain Power Corporation—that jointly own a portion of a dedicated, metallic-neutral-return conductor (the DMNRC), used to provide a neutral-return path as part of a direct-current transmission interconnection between Hydro-Quebec and utilities that are participants in the New England Power Pool (the "Quebec-New England Interconnection"), tendered an amendment to the filing in ER90-591-000. By this amendment the petitioners resolve the only remaining issue in this docket by agreement to the Commission's generic return on equity of 12.29% in lieu of 15% as proposed.

The contract filed with this Commission for approval is the Phase II Vermont DMNRC Support Agreement dated January 1, 1988. The joint owners of the DMNRC are three utilities providing service in Vermont: Citizens Utilities Company, Franklin Electric Light Company, Inc. and Green Mountain Power Corporation. The ownership share of the DMNRC held by each utility is 39.6%, 1% and 59.4%, respectively. Vermont Electric Power Company, Inc. will operate the DMNRC under the Phase II Vermont DMNRC Operating and Management Agreement, also filed in this docket.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Co.

[Docket No. ER91-175-000]

January 4, 1991.

Take notice that on December 24, 1990, New England Power Company (NEP) submitted for filing executed Amendments to the Service Agreements with Granite State Electric Company, New Hampshire Electric Cooperative, and the Town of Littleton, New Hampshire (hereinafter "Customers").

NEP states that the proposed Amendments provide a monthly credit to its New Hampshire Customers based on a portion of the savings received by NEP through the issuance of tax-exempt financing authorized by the State of New Hampshire.

NEP requests waiver of the Commission's notice requirements so that the Amendments may become effective on January 1, 1991.

Comment date: January 18, 1991, in accordance with Standard Paragraph E end of this notice.

10. Pacific Gas and Electric Co.

[Docket No. ER91-195-000]

January 4, 1991.

Take notice that on January 2, 1991, Pacific Gas and Electric Company ("PG&E") tendered for filing an agreement for a permanent Western Systems Power Pool ("WSPP"). PG&G made this filing on behalf of itself and the FERC jurisdictional members of the WSPP, with the support of the non-jurisdictional members. The services provided through the WSPP are flexibly priced under the ceiling prices, and the present filing proposes to maintain the ceiling prices. Copies of this filing were served upon the WSPP members and those parties which have intervened in previous WSPP dockets.

Comment date: January 23, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Philadelphia Electric Co.

[Docket No. ER91-174-000]

January 4, 1991.

Take notice that on December 24, 1990, Philadelphia Electric Company ("PECO") tendered for filing as an initial Rate Schedule a Transmission Service and Interconnection Contract between Delaware Resource Management, Inc. ("DRMI") and PECO dated December 26, 1989. The Contract sets forth the terms and conditions under which PECO will transmit electric output from DRMI's generating facility located in the City of Chester, Delaware County, Pennsylvania, to Atlantic City Electric Company ("ACE"). PECO requests that the Commission allow this initial Rate Schedule to become effective 60 days after its filing. PECO states that a copy of this filing has been served by mail upon DRMI, the Pennsylvania Public Utility Commission, the New Jersey Board of Public Utilities and ACE.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. The Washington Water Power Co.

[Docket No. ER91-196-000]

Take notice that on January 2, 1991, the Washington Water Power Company ("Company") of Spokane, Washington, tendered for filing proposed changes in its FERC Electric Service Tariffs, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately $699,339 based on the 12-month period ending September 30, 1990. The proposed rate changes are submitted for the purpose of compensating the Company for increased operating expenses and increased plant investment. A significant portion of the increase in operating expenses, approximately $490,000, is caused by a change in costs associated with WNP-1 Project Exchange Agreement. According to the Company, its cost of service supports an increase of $955,138. The Company states that in order to moderate the impact of the rate increase on the Company's wholesale customers and to expedite approval of the rate filing the Company is proposing a rate increase of $699,339. The Company states that copies of the filing have been served upon its five wholesale customers affected by the filing, the Washington Utilities and Transportation Commission, and the Idaho Public Utilities Commission.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Power & Light Co.

[Docket No. ER91-186-000]

January 4, 1991.

Take notice that on December 26, 1990, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Agreement dated December 11, 1990, between the City of Evansville and WPL. WPL states that this new Wholesale Power Agreement revises the previous agreement between the two parties which was dated

October 3, 1963, and designated Rate Schedule No. 29 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for this customer will be on a similar basis on the terms of service for the other W–3 wholesale customers.

WPL requests an effective date concurrent with the contract effective date be assigned. WPL states that copies of the agreement and the filing have been provided to the City of Evansville and the Wisconsin Public Service Commission.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Kentucky Utilities Co.

[Docket No. EC91–4–000]

January 4, 1991.

Take notice that on December 26, 1990, Kentucky Utilities Company ("KU") filed an application pursuant to section 203 of the Federal Power Act for authorization to acquire from Old Dominion Power Company ("Old Dominion") certain of the latter's securities. Old Dominion is the wholly-owned subsidiary of KU. KU states that it is applying for authority to acquire from Old Dominion unsecured promissory notes of Old Dominion from time to time.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. The Detroit Edison Co.

[Docket No. ER91–33–000]

January 4, 1991.

Take notice that on December 31, 1990, The Detroit Edison Company ("Detroit Edison") tendered for filing an Amendment to an Agreement for the Lease of a Portion of Generating Capability of Ludington Pumped Storage Hydroelectric Generating Plant by The Detroit Edison Company to The Toledo Edison Company dated January 1, 1990 and additional information in support of its original submittal in this docket. The Agreement provides for the lease by Detroit Edison to The Toledo Edison Company of one sixth of Detroit Edison's 49% share of the generating capability of the Ludington hydroelectric plant which is jointly owned by Detroit Edison and Consumers Power Company. The Amendment provides for an anticipated delay in the initiation of performance under the Agreement. The additional information supplements data presented earlier and is in response to a deficiency letter from the Office of Electric Power Regulation.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. Consumers Power Co.

[Docket No. ER91–190–000]

January 4, 1991.

Take notice that on December 31, 1990, Consumers Power Company ("Consumers Power") tendered for filing a rate schedule change to its Rate Schedule FERC No. 63 which was accepted for filing in Docket No. ER91–31–000. The rate schedule change would change the date for commencement of service, but not the rate to be charged or the service to be provided.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

17. Long Island Light Co.

[Docket No. ER91–191–000]

January 4, 1991.

Take notice that on December 31, 1990, Long Island Lighting Company ("LILCO") tendered for filing proposed changes in its FERC Rate Schedule 32, pursuant to which LILCO transmits power and energy from the Power Authority of the State of New York to the three municipal electric utilities on Long Island: the Villages of Greenport, Rockville Centre and Freeport. The proposed changes would decrease revenues from the service to the three customers based upon a 12 month period ending May 31, 1991 and would reflect LILCO's cost of service. LILCO requests waiver of the Commission's notice requirements to allow the reduced rates to become effective June 1, 1990.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

18. Union Electric Co.

[Docket No. ER91–192–000]

January 4, 1990.

Take notice that on December 31, 1990, Union Electric Company ("Union") tendered for filing proposed settlement rates charged to all customers who are currently served pursuant to Wholesale Electric Service Agreements entered into between Union and these customers as part of settlement agreements previously approved by the Commission.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Co.

[Docket No. ER91–194–000]

January 4, 1991.

Take notice that on December 31, 1990, Commonwealth Edison Company ("Commonwealth") tendered for filing proposed changes in its FERC Electric Tariff, Rate 80. The proposed changes revise the Electric Service Contract between Commonwealth and the City of Geneva, Illinois ("Geneva") to provide for a new point of electric supply to Geneva by Commonwealth. In addition, supplements to various FERC Rate Schedules for the Cities of Batavia, St. Charles and Naperville, Illinois have been revised.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

20. Southern Company Services, Inc.

[Docket No. ER91–197–000]

January 4, 1991.

Take notice that on January 2, 1991, Southern Company Services, Inc. ("SCS"), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company ("Southern Companies"), tendered for filing an Amendment dated December 31, 1990 to the Short-term Unit Power Sales Agreement dated September 1, 1990 among Florida Power & Light Company, Southern Companies, and SCS.

The Amendment extends the term of the Short-term Unit Power Sales Agreement through June 30, 1991. The rates established in the Short-term Unit Power Sales Agreement are not changed by the Amendment and will continue in effect through the extended term of the Short-term Unit Power Sales Agreement.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

21. Arizona Public Service Co.

[Docket Nos. ER89–265–001]

January 4, 1991.

Take notice that on December 31, 1990, Arizona Public Service Company tendered for filing a Compliance Refund Report for refunds made to the Distribution Level Wheeling Customers in accordance with the Commission's letter of approval dated December 6, 1990.

Copies of this filing have been served upon all affected customers and the Arizona Corporation Commission.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

22. Vermont Yankee Nuclear Power Corp.

[Docket No. ER91-186-000]

January 4, 1991.

Take notice that on December 28, 1990, Vermont Yankee Nuclear Power Corporation ("Vermont Yankee") tendered for filing a revised schedule of decommissioning collections that reduces the monthly decommissioning charges collected through the power contracts under which Vermont Yankee sells electricity for resale to nine New England utilities. Vermont Yankee states that its filing reflects the impact of the extended license term issued by the Nuclear Regulatory Commission for the Vermont Yankee plant as of January 1, 1990.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

23. Wisconsin Power & Light Co.

[Docket No. ER91-185-000]

January 4, 1991.

Take notice that on December 28, 1990, Wisconsin Power & Light Company ("WPL") tendered for filing a wholesale power agreement between the Village of Mazomanie and WPL. The agreement is dated December 4, 1990 and supersedes the previous agreement between WPL and the Village of Mazomanie dated January 6, 1987.

Comment date: January 18, 1991, in accordance with Standard Paragraph E end of this notice.

24. Louisville Gas and Electric Co.

[Docket No. ER91-179-000]

January 4, 1991.

Take notice that Louisville Gas and Electric Company (Louisville) tendered for filing on December 24, 1990, a Ninth Supplemental Agreement dated as of December 1, 1990 to the Interconnection Agreement dated February 1, 1967, between Louisville and the PSI Energy, Inc. (Service Company).

The Ninth Supplemental Agreement cancels existing Service Schedules and replaces those schedules with new Service Schedules for Emergency Service, Interchange, Seasonal, Short Term, Limited Term and Diversity Power. The new Service Schedules establish the applicable charges. A January 1, 1991 effective date has been requested.

Louisville states that the rates and services were negotiated by the parties.

Copies of the filing were served upon PSI Energy, Inc. and the Public Service Commission of Kentucky.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

25. Wisconsin Power and Light Co.

[Docket No. ER91-181-000]

January 4, 1990.

Take notice that December 26, 1990, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Agreement dated December 10, 1990, between the City of Brodhead and WPL. WPL states that this new Wholesale Power Agreement revises the previous agreement between the two parties which was dated July 15, 1991, and designated Rate Schedule No. 83 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for the customer will be on a similar basis to the terms of service for other W-3 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date be assigned. WPl states that copies of the agreement and the filing have been provided to the City of Brodhead and the Wisconsin Public Service Commission.

Comment date: January 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-606 Filed 1-9-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-695-000, et al.]

Questar Pipeline Co., et al., Natural Gas Certificate Filings

December 31, 1990.

Take notice that the following filings have been made with the Commission:

1. Questar Pipeline Company

[Docket No. CP91-695-000]

Take notice that on December 14, 1990, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP91-695-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide interruptible transportation service for the account of Grand Valley Gas Company (Grand Valley) at a new delivery point, under the blanket certificate issued in Docket No. CP88-650-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Questar states that pursuant to a transportation agreement dated November 23, 1990, under its Rate Schedule T-2, it intends to transport up to 11,500 MMBtu per day equivalent of natural gas for the account of Grand Valley from various receipt points on Questar's system to various delivery points, including the recently added Coleman-to-WIC delivery point, located in Wyoming, Utah and Colorado.

Questar further states that the estimated average daily and annual quantities are 8,000 MMBtu and 4,197,500 MMBtu, respectively. Service at the new delivery point commenced November 1, 1990, under the provisions of 18 CFR 284.223(a), as reported November 29, 1990, in Docket No. ST91-5210-000.

Comment date: February 14, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company Colorado Interstate Gas Company

[Docket Nos. CP91-763-000, CP91-764-000]

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation

[1] These prior notice requests are not consolidated.

rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: February 14, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] avg. annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-763-000 12-27-90	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX, 77251-1478.	Houston Lighting & Power Co.	309,000 309,000 112,785,000	LA, TX	TX	10-8-90, ITS	CP88-6-000 ST91-4170-000
CP91-764-000 12-27-90	Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, CO 80944.	Enron Gas Marketing, Inc.	50,000Mcf 10,000Mcf 3,650,000Mcf	TX,WY	OK	11-8-90, TI-1	CP86-589-000, ST91-5850-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Natural Gas Pipeline Company of America

[Docket Nos. CP91-757-000, CP91-758-000, CP91-759-000, CP91-760-000, CP91-761-000, CP91-762-000]

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: February 14, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (dated filed)	Shipper name (type)	Peak day, average day, annual[2]	Receipt[1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start-up-date
CP91-757-000 (12-27-90)	Brooklyn Interstate Natural Gas Corp. (marketer).	10,000 10,000 3,650,000	TX	LA	10-23-90, FTS, Firm.	ST91-4174, 11-1-90.
CP91-758-000 (12-27-90)	Enron Gas Marketing, Inc. (marketer).	15,000 15,000 5,475,000	NE, OK, TX, KS, NM	NM, TX, KS	10-23-90, FTS, Firm.	ST91-5356, 11-1-90.
CP91-759-000 (12-27-90)	Anthem Energy Company (marketer).	50,000 25,000 9,125,000	Various	Various	5-15-90, ITS, Interruptible.	ST9111-5211, 11-1-90.
CP91-760-000 (12-27-90)	Williams Gas Marketing Company (marketer).	100,000 40,000 14,600,000	Various	Various	10-23-90, ITS, Interruptible.	ST91-4172, 11-1-90.
CP91-761-000 (12-27-90)	Enron Gas Marketing, Inc. (marketer).	50,000 50,000 18,250,000	TX	LA, TX	10-25-90, FTS, Firm.	ST91-4253, 11-1-90.
CP91-762-000 (12-27-90)	Tex/Con Gas Marketing Company (marketer).	30,000 10,000 3,650,000	Various	Various	10-11-90, ITS, Interruptible.	ST91-4026, 11-1-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Measured in MMBtu equivalent.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. In no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn

within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-521 Filed 1-9-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP91-739-000, et al.]

United Gas Pipe Line Co., et al.

Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

[Docket Nos. CP91-739-000,[1] CP91-740-000, CP91-741-000, CP91-742-000, CP91-743-000, and CP91-744-000]

Take notice that on December 21, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in the above referenced dockets, prior notice requests pursuant to § § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the atached appendix.

[1] These prior notice requests are not consolidated.

Information applicable to each transaction including the contract number, the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the United and is included in the attached appendix.

It is stated that United would provide the proposed service for each shipper under an executed transportation agreement and would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (contract No.)	Applicant	Shipper name	Peak Day,[1] Avg., Annual	Points of		Start up date, rate schedule, service type	Related [2] dockets
				Receipt	Delivery		
CP91-739-000 (478)	United Gas Pipe Line Company.	NGC Transportation Inc.	154,500 154,500 56,392,500	Various existing points.	Various existing points.	11-6-90, ITS, Interruptible.	ST91-5553-000.
CP91-740-000 (478)	United Gas Pipe Line Company.	NGC Transportation, Inc.	154,500 154,500 56,392,500	Various existing points.	Various existing points.	10-19-90, ITS, Interruptible.	ST91-5557-000.
CP91-741-000 (478)	United Gas Pipe Line Company.	NGC Transportation Inc.	154,500 154,500 56,392,500	Various existing points.	Various existing points.	10-19-90, ITS, Interruptible.	ST91-5556-000.
CP91-742-000 (478)	United Gas Pipe Line Company.	NGC Transportation, Inc.	154,500 154,500 56,392,500	Various existing points.	Various existing points.	10-3-90, ITS, Interruptible.	ST91-5559-000.
CP91-743-000 (1269)	United Gas Pipe Line Company.	Rally Pipeline Corporation.	58,710 58,710 21,429,150	Various existing points.	Various existing points.	11-12-90, ITS, Interruptible.	ST91-5233-000.
CP91-744-000 (478)	United Gas Pipe Line Company.	NGC Transportation Inc.	154,500 154,500 56,392,500	Various existing points.	Various existing points.	11-6-90 ITS, Interruptible.	ST91-5560-000.

[1] Quantities are shown in MMBtu.
[1] The ST docket represents that a 120-day transportation service was reported in it.

2. Northern Natural Gas Co., Division of Enron Corp. ANR Pipeline Co.

[Docket Nos. CP91-771-000, CP91-772-000, and CP91-773-000; Docket No. CP91-774-000, CP91-775-000, CP91-776-000, and CP91-777-000]

January 3, 1991.

Take notice that on December 28, 1990, Northern Natural Gas Company, Division of Enron Corp., 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, and ANR Pipeline Company, 500 Renaissance Center, Detroit, Michigan 48243, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP86-435-000 and Docket No. CP88-532-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

[2] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket no. (date filed)	Shipper name (type)	Peak day average day annual Dth	Receipt points [1]	Delivery points	Contract date rate schedule service type	Related docket start up date
CP91-771-000 (12-28-90)	Texaco Gas Marketing Inc. (marketer).	200,000 150,000 [2] 73,000,000	Various	TX	11-22-90, IT-1, Interruptible.	ST91-5713-000, 11-22-90.
CP91-772-000 (12-28-90)	Centran Corporation (marketer)	50,000 37,500 [2] 18,250,000	Various	Various	11-16-90, IT-1, Interruptible.	ST91-5712-000, 11-16-90.
CP91-773-000 (12-28-90)	NGC Transportation, Inc. (marketer)	300,000 225,000 109,500,000	Various	Various	12-1-90, IT-1, Interruptible.	ST91-5716-000, 12-1-90.
CP91-774-000 (12-28-90)	Fina Oil and Chemical Co. (marketer).	30,000 30,000 10,950,000	LA, OLA	LA	11-10-90, FTS-1, Firm.	ST91-4002-000, 11-1-90.
CP91-775-000 (12-28-90)	Centran Corporation (marketer)	1,892 1,892 690,580	LA, OLA	OH	10-19-90, FTS-1, Firm.	ST91-4259-000, 11-1-90.
CP91-776-000 (12-28-90)	Eagle Point Cogeneration Partnership (marketer).	26,000 26,000 9,490,000	LA	OH	6-11-90, ITS-, Interruptible.	ST91-4000-000, 11-1-90.
CP91-777-000 (12-28-90)	Centran Corporation (marketer)	1,867 1,867 681,455	LA, OLA	OH	8-13-90, FTS-1, Firm.	ST91-4003-000, 11-1-90.

[1] Offshore Louisiana is shown as OLA.
[2] Northern's quantities are in MMBtu.

U-T Offshore System

[Docket No. CP91-770-000]

January 4, 1991.

Take notice that on December 28, 1990, U-T Offshore System (U-TOS), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP91-770-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Fina Oil & Chemical Company, a producer, under the blanket certificate issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89-99-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

U-TOS states that, pursuant to an agreement dated July 1, 1990, under its Rate Schedule IT, it proposes to transport up to 35,000 Mcf per day of natural gas. U-TOS indicates that the gas would be transported from Offshore Louisiana, and would be redelivered in Louisiana. U-TOS further indicates that it would transport 35,000 Mcf on an average day and 12,775,000 Mcf annually.

U-TOS advises that service under Section 284.223(a) commenced November 1, 1990, as reported in Docket No. ST91-5389-000.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

4. CNG Transmission Corp.

[Docket No. CP91-476-000]

January 4, 1991.

Take notice that on December 7, 1990,[3] CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26302, filed in Docket No. CP91-476-000, as supplemented December 19 and 28, 1990, a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas for various shippers under the certificate issued in Docket No. CP86-311-000, all as more fully set forth in the request which is on file with the Commission and open to the public inspection.

CNG proposes to transport gas for 14 shippers on an interruptible basis from various receipt points on its system to various interconnections between CNG and certain local distribution companies and pipelines. CNG lists for each of the 14 shippers the receipt and delivery points, the maximum daily, average daily, and annual volumes, as well as the docket number related to the 120-day transportation service initiated by CNG (see attached appendix).

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] This notice of request under blanket authorization was tendered for filing on November 19, 1990; however, the fee required by § 381.207 of the Commission's Rules (18 CFR 381.207) was not paid until December 7, 1990. Section 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.

Docket No.	Shipper or customer	Commence date	Max. daily, Avg. daily, Est. annual	Receipt point	Delivery point or LDC
ST91-572	CNG Producing Company	4/01/90	30,000 27,199 9,927,635	OCS	OCS
ST91-584	Coastal Gas Marketing	9/05/90	88,000 93 11,160	D	Transco
ST91-590	PSI, Inc.	9/12/90	100,000 25 9,125	D	PNG

Docket No.	Shipper or customer	Commerce date	Max. daily, Avg. daily, Est. annual	Receipt point	Delivery point or LDC
ST91-589	PSI, Inc.	9/12/90	100,000 25 9,125	D	RGE
ST91-588	PSI, Inc.	09/12/90	100,000 25 9,125	D	NFG
ST91-587	PSI, Inc.	9/13/90	150,000 50 18,250	D	Texas Gas
ST91-586	PSI, Inc.	9/13/90	100,000 25 9,125	D	River
ST91-585	PSI, Inc.	9/13/90	100,000 25 9,125	D	North Penn
ST91-593	Coastal Gas Marketing	9/07/90	88,000 25 33,945	D	Tennessee
ST91-583	Coastal Gas Marketing	9/07/90	88,000 93 33,945	D	Texas Eastern
ST91-2719	Citizen's Gas Supply	10/01/90	10,000 8,000 33,945	B	Transco
ST91-2718	Lubrizol Corporation	10/01/90	5,000 2,698 984,770	B	EOG
ST91-2717	SCM Chemicals, Inc.	9/28/90	9,000 8,648 3,156,520	B	EOG
ST91-2716	Access Energy Corp.	10/02/90	17,000 48 5,760	B	River

Legend of LDC's or Delivery Points

HGI—Hope Gas, Inc.
NYSEG—New York State Electric Gas Corp.
RGE—Rochester Gas & Electric Corp.
EOG—East Ohio Gas Company
PNG—Peoples Natural Gas Company
NIMO—Niagara Mohawk Power Corporation
NFG—National Fuel Gas Supply Corp.
Transco—Transcontinental Gas Pipeline Corporation
Corgas—Corgas Pipeline Company (Interstate)
North Penn—North Penn Gas Company
H&B—Hanley & Bird
Corning—Corning Natural Gas Corporation
Tennessee—Tennessee Gas Pipeline Company
Texas Gas—Texas Gas Transmission Corporation
River—The River Gas Company
OCS—Outer Continental Shelf Transporation—Various delivery points off-shore in the Gulf of Mexico

Legend of Receipt Points

A—Various interconnects between Tennessee Gas Pipeline Company and CNG
B—Various receipt points in WV/PA/NY
C—Various interconnects between Texas Gas Transmission Corporation and CNG
D—Various interconnects between Texas Eastern Transmission Corporation and CNG
OCS—Outer Continental Shelf Transportation—Various receipt points in the Gulf of Mexico

5. Texas Eastern Transmission Corporation and Columbia Gas Transmission Corp.

[Docket Nos. CP91-754-000 and CP91-755-000]

January 4, 1991.

Take notice that on December 26, 1990, the above listed companies filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[4]

A summary of each transportation service which includes the shippers identity, the peak day, average day and annual volumes, the receipt point(s), the delivery point(s), the applicable rate schedule, and the docket number and service commencement date of the 120-day automatic authorization under § 284.223 of the Commission's Regulations is provided in the attached appendix.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of		Start up date, rate schedule	Related dockets [2]
				Receipt	Delivery		
CP91-754-000 (12-26-90)	Texas Eastern Transmission Corporation.	National Gas Resources LP.	80,000 80,000 29,200,000	Offshore LA, LA, AL, AK, IL, IN, KY, MO, MS, NJ, NY, OH, PA, TN, TX, WV.	Offshore LA, LA, TX, IL, MO, MS, AL, TN, OH, PA, IN, KY, NJ.	11-01-90, IT-1	ST91-5373-000, CP88-136-000.
CP91-755-000 (12-26-90)	Columbia Gas Transmission Corporation.	Texaco Gas Marketing, Inc.	160,000 160,000 73,000,000	KY, OH, PA, WV	MD, OH, NY, WV, DE.	10-19-90, IT-1	ST91-3556-000, CP86-240-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

6. Tennessee Gas Pipeline Co.

[Docket No. CP91-724-000]

January 4, 1991.

Take notice that on December 20, 1990, Tennessee Gas Pipeline Company, (Tennessee), Post Office Box 2511, Houston, Texas, 77252, filed an application in Docket No. CP91-724-000, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity. Tennessee requests authorization to: (1) Transport up to 256,000 Mcf of natural gas per day on a firm basis, and (2) construct and operate the facilities to provide such service. Tennessee states that the proposed firm service is being offered as a competitive, mutually-exclusive alternative to the westernmost segments of the Empire State Pipeline (Empire) project. Tennessee's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to transport up to 256,000 Mcf per day in the winter and up to 151,600 Mcf per day in the summer on its Niagara Spur Line and its Niagara Spur Loop Line from its existing Niagara import point on the United States-Canadian border near Lewiston, New York to a point of interconnection with the proposed facilities of Empire near Pendleton, New York.

Tennessee states that monthly entitlements for each shipper, along with peak day, monthly and daily volumes will be determined through negotiations with Empire and/or Empire's shippers based on those shipper's projected gas requirements.

Tennessee proposes to increase the capacity of the Niagara Spur Line and the Niagara Spur Loop Line by constructing and operating a 3,500 horsepower turbine compression unit at its existing Station 230C. Tennessee also proposes to uprate each of two other compressor turbine units at Station 230C by 1,000 horsepower. Tennessee estimates that the total cost of these proposed facilities will be $8,538.000.

Tennessee proposes to provide the new transportation services under a new rate schedule—Rate Schedule NET-NA, which would contain generally the same terms and conditions as other Tennessee rate schedules which are used to transport natural gas for Northeast markets. Tennessee states that Rate Schedule NET-NA would have a two-part, demand/commodity rate, based on the Modified Fixed-Variable rate design, plus any applicable Gas Research Institute charge, the annual charge adjustment, and a daily quantity of gas for Tennessee's system fuel use and gas lost or unaccounted for. These rates are estimated by Tennessee in Exhibits N and P to the application.

Tennessee states that Empire has pending before the Commission applications for approval of its border crossing facilities in Docket Nos. CP90-316-000 and CP90-317-000 and has a contemporaneous proceeding pending before the New York Public Service Commission (New York PSC) for approval of its proposed 155-mile pipeline project from Grand Island, New York to Syracuse, New York.

Tennessee states that its proposal would eliminate the need for the proposed border crossing by Empire at Grand Island and the western most 25.5 miles of Empire's proposed pipeline. Tennessee states that its proposal is an economically and environmentally superior alternative to those segments of Empire's proposal. Tennessee further states that the Staff of the New York PSC recommended the use of the Tennessee's Niagara Spur corridor as a superior alternative to the Grand Island border/river crossing and the related route.

Tennessee states that the eliminated segments of Empire's proposed pipeline involves construction on new right-of-way and at new river crossing locations in western New York. Tennessee also states that additional construction in Canada would also be eliminated resulting in environmental benefits.

Tennessee states that the cost of its proposal ($8.5 million) would be $11.5 million less than the eliminated segments of Empire's proposal. Tennessee also states that the eliminated additional construction in Canada is projected to cost $17.4 million. Thus, Tennessee states that its proposal could save consumers as much as $28.9 million.

The Commission advises all interested parties that its Staff intends to hold a technical conference in this application to discuss any issues requiring Commission review that are raised by the application or by any intervention or comments in this docket. Notice of such a technical conference will be issued at a later date.

Comment date: January 25, 1991, in accordance with Standard Paragraph F at the end of this notice.

7. The Inland Gas Co., Inc., Columbia Gas Transmission Corp., Viking Gas Transmission Co., and Sea Robin Pipe Line Co.

[Docket Nos. CP91-748-000, CP91-749-000, CP91-750-000 and CP91-751-000]

January 4, 1991.

Take notice that Applicants filed in the above-referenced dockets prior notice requests pursuant to sections 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by

[5] These prior notice requests are not consolidated.

Applicants and is summarized in the attached Appendix A. Applicants' addresses and transportation blanket certificates are shown in the attached Appendix B.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-748-000 (12-21-90)	Ashland Leather Company (End-User).	400 250 110,000	KY	KY	ITS, Interruptible	ST91-4306,11-1-90.
CP91-749-000 (12-21-90)	Energy Marketing Services, Inc. (Marketer).	457,000 365,600 166,805,000	Various	Various	ITS, Interruptible	ST91-3564, 10-20-90.
CP91-750-000 (12-21-90)	Tarpon Gas Marketing Ltd. (Marketer).	310,000 310,000 113,150,000	Various	Various	IT-2, Interruptible	ST91-5836, 11-30-90.
CP91-751-000 (12-21-90)	Shell Gas Trading Company (Producer).	20,600 20,600 7,519,000	Various	Various	ITS, Interruptible	ST91-5462, 11-1-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

Applicant's address	Blanket docket
Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314	CP86-240-000
Sea Robin Pipeline Company, P.O. Box 1478, Houston, Texas 77251-1478	CP88-824-000
The Inland Gas Company, Inc., 336-338 Fourteenth Street, Ashland, Kentucky 41101	CP89-779-000
Viking Gas Transmission Company, P.O. Box 2511, Houston, Texas 77252	CP90-273-000

8. Southern Natural Gas Co. and Northern Natural Gas Co.

[Docket Nos. CP91-778-000 and CP91-779-000]

January 4, 1991.

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[6]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also state that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

[6] These prior notice requests are not consolidated.

Docket number (Date filed)	Applicant	Shipper name	Peak day [1] avg. annual	Points of Receipt	Points of Delivery	Start up date, rate schedule	Related [2] Dockets
CP91-778-000 (12-28-90).	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2563.	Enron Gas Marketing, Inc.	100,000 25,000 125,000	Off TX, Off LA, TX, LA, MS, AL, GA	MS, LA	10-31-90 IT	CP88-316-000 ST91-3022-000
CP91-779-000 (12-28-90).	Northern Natural Gas Company, 1400 Smith St., P.O. Box 1188, Houston, TX 77251-1188.	TranAm Energy, Inc.	40,000 30,000 14,600,000	OK, TX, KS, NM, WI, IA, SD, NE, MN	KS, OK, TX, NM	11-22-90 IT-1	CP86-435-000 ST91-5714-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

9. Stingray Pipeline Co.

[Docket No. CP91-785-000]

January 4, 1991.

Take notice that on December 31, 1990, Stingray Pipeline Company (Stingray), 701 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP91-785-000 a request pursuant to §§ 157.205 and 284.303 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.303) for authorization to provide an interruptible transportation service for Unocal Exploration Corporation (Unocal) under the blanket certificate issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89-70-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the

request that is on file with the Commission and open to public inspection.

Stingray states that, pursuant to a transportation service agreement dated October 1, 1990, under its Rate Schedule ITS, it proposes to transport up to 150,000 Mcf per day for Unocal. Stingray states that the gas would be transported from points located in the offshore areas of Texas and Louisiana to points located in Offshore Texas and onshore in Louisiana. Stingray estimates peak day, average day volumes and annual volumes of 150,000 million Btu, 60,000 million Btu, and 21,900,000 million Btu, respectively.

Stingray advises that service under § 284.223(a) commenced November 1, 1990, as reported in Docket No. ST91–5214–000.

Comment date: February 19, 1991, in accordance with Standard Paragraph G at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91–607 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–64–000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

January 4, 1991

Take notice that ANR Pipeline Company (ANR) on December 31, 1990, tendered for filing as part of its Original Volume No. 1 FERC Gas Tariff, six copies each of the following tariff sheets which ANR proposes to be effective February 1, 1991:

First Revised Sheet No. 90C
First Revised Sheet No. 90D
First Revised Sheet No. 122
First Revised Sheet No. 123
Alternate First Revised Sheet No. 122
Alternate First Revised Sheet No. 123

ANR states that the above referenced tariff sheets are being submitted to recover from its firm sales customers the buyout buydown fixed monthly charges which Northern Natural Gas Company bills to ANR under § 2.104 of the Commission's General Policy and Interpretations.

ANR states that copies of the filing were served upon all of its sales customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 by January 11, 1991, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate actions to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–608 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

[Docket No. TM91–3–48–000]

January 4, 1991

Take notice that ANR Pipeline Company ("ANR") on December 31, 1990, tendered for filing as part of its Original Volume No. 1 FERC Gas Tariff, six copies each of the following tariff sheets which ANR proposes to be effective February 1, 1991:

Thirty-Eighth Revised Sheet No. 18
Eighth Revised Sheet No. 90A
Fifth Revised Sheet No. 90A.1
Original Sheet No. 90A.2

ANR states that the purpose of the instant Second Annual Reconciliation filing is to reflect ANR's restatement of its Buyout Buydown Volumetric Surcharges contained in Docket Nos. RP89–45, RP89–127, RP89–193, RP90–18, RP90–46 and RP91–35, pursuant to § 18.3 of the General Terms and Conditions of its Volume No. 1 Tariff.

ANR states that copies of the filing were served upon all of its sales customers and interested State Commissions.

Any person desiring to be heard or to protest said filing, should file motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426 by January 11, 1991.

In accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate actions to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are

available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–609 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–4–32–000]

Colorado Interstate Gas Co., Compliance Filing

January 4, 1991.

Take notice that Colorado Interstate Gas Company ("CIG"), on December 27, 1990, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1 with proposed effective date of January 1, 1991.

Third Revised Sheet No. 61G11.1
Second Revised Sheet No. 61G12–C
Second Revised Sheet No. 61G12–D
Second Revised Sheet No. 61G12–E
First Revised Sheet No. 61G12–F

CIG states that the above-referenced tariff sheets are being filed in compliance with the Commission's Orders issued in these dockets and that the filing constitutes a semiannual adjustment filing as defined by CIG's FERC Gas Tariff. Specifically, the filing reflects the current payment status of CIG's affected customers and includes work papers detailing these payments as well as accrued interest payments made by CIG to its affected customers.

CIG states that copies of the filing were served upon all of the parties to these proceedings and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–610 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

City of Gainesville, FL, v. Florida Gas Transmission Co.; Complaint

[Docket No. CP91–705–000]

January 3, 1991

Take notice that on December 18, 1990, the City of Gainesville, Florida (complainant), 700 SE. 3rd, Room 101, Gainesville, Florida 32602, filed a complaint under Rule 206 [1] of the Commission's Rules of Practice and Procedure against Florida Gas Transmission Company (FGT). Complainant states that it is aggrieved by FGT's denial to add certain delivery points to existing service agreements. Complainant requests a Commission order directing FGT to honor Complainant's request for delivery point revisions to certain service agreements, all as more fully set forth in the complaint which is on file and open to public inspection.

Complainant states that it is a Florida municipal corporation which owns and operates facilities for a) the generation, transmission, and distribution of electrical energy and b) the distribution of natural gas. FGT supplies all of Complainant's natural gas requirements for both its electric generation and gas distribution systems. Complainant explains that it has owned the electric generation system for a number of years [2] and just recently purchased the gas distribution system in January 1990 from Gainesville Gas Company (GGC). Prior to selling the natural gas distribution system, Complainant asserts that GGC negotiated an allocation of seasonal contract demands for firm sales service under Rate Schedule G and an entitlement for interruptible sales service under Rate Schedule I; all of which was approved in a global settlement by the Commission's June 15, 1990, order in FGT's Docket No. RP89–50, *et al.*[3] Because of the need to meet peak daily requirements, Complainant alleges that the firm service levels which GGC negotiated exceeds the actual day-to-day needs of the existing gas distribution system. In this same proceeding Complainant also asserts that it received an allocation of firm transportation entitlements under Rate Schedule FTS–1 for its electric generation system. Complainant alleges that the quantities ultimately allocated for its electric generation system were substantially less than the quantities it had initially requested. In order to improve the allocative efficiency of its combined utility operations and to reduce the cost of service to both the electric and gas customers, Complainant states that it requested FGT to amend the service agreements for its gas department so that the Kelly and Deerhaven Plants could be added as deliverly points.[4] Complainant explains that under the proposed amendments, the maximum daily entitlements for its gas distribution system and electric generating system would not be changed or increased; all that would occur is that the Kelly and Deerhaven Plants would be added as delivery points in the service agreements for Complainant's gas distribution system.

To accomplish the objective of combining delivery points for the natural gas distribution and electric utility operations, Complainant asserts that it formally requested FGT to amend the gas distribution service agreements and to seek a waiver of FGT's FERC Tariff provisions in order to add the electric generation plants to Complainant's converted Rate Schedules FTS and PTS transportation agreements. Complainant asserts that FGT decided not to accommodate Complainant's requests because the circumstances did not meet FGT's new delivery point policy criteria. Complainant asserts that it was first advised in a letter dated October 22, 1990, of FGT's "new policy" for processing requests to add new delivery points. According to the Complainant the new policy established the following criteria: (1) service would have to be for the same end users or customers, (2) the additional delivery point would have to be in the same general area, and (3) there must be no interference with FGT's ability to render firm service to any other customer. Complainant asserts that in a subsequent letter dated November 19,1990, FGT advised Complainant that its requests to realign delivery points does not meet the "same end user or customer" criterion and that is might also fail the "no harm to other

[1] 18 CFR 385.206 (1990).

[2] The electric generation system has two generating plants known as the Kelly and Deerhaven Plants.

[3] See "Florida Gas Transmission Company," 51 FERC ¶ 61,309 (1990).

[4] Complainant recognizes that in order for FGT to add new delivery points under the existing sales agreements that FGT would need to file a prior notice request under §§ 157.205 and 157.212 of the Commission's regulations. Complainant also states that it has converted some of the sales entitlements for its natural gas distribution system to transportation services. In order to add new delivery points to these converted transportation agreements and to keep its same position in the queue, Complainant recognizes that FGT would need to file a request for waiver of certain tariff provisions.

firm service customers" criterion as well.

Complainant asserts that FGT has accommodated other customers who have operated both gas and electric utilities (*i.e.*, Fort Pierce Utility Authority and the City of Tallahassee). Complainant also notes that on October 18, 1990, FGT filed in Docket No. RP91–9–000, a Request for Waivers asking Commission approval to establish new delivery points and to realign delivery entitlements for four existing customers: Florida Power and Light Company, the City of Lakeland, Peoples Gas Company and St. Joe Gas Company. Complainant asserts that its request meets FGT's new criteria and that FGT is applying its new criteria in an unduly discriminatory manner.

Complainant, therefore, requests the Commission to direct FGT to permit the amendment of Complainant's Rate Schedules G, I, FTS–1 and PTS service agreements to reflect the addition of the Kelly and Deerhaven Plants as delivery points. It is further requested that the Commission's order confer upon FGT the requisite waivers of its tariff and the necessary regulatory authority to facilitate the addition of these two points to the service agreements which pertain to its gas distribution system.

Any person desiring to be heard or to intervene should file a motion to intervene or protest in accordance with Rules 214 [5] or 211 [6] of the Commission's Rules of Practice and Procedure. All motions to intervene or protests should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, on or before February 4, 1991. All protests will be considered by the Commission but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the complaint are on file with the Commission and are available for public inspection. Answers to the complaint are due on or before February 4, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91–611 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[5] 18 CFR 385.214 (1990).

[6] 18 CFR 385.211 (1990).

[Docket No. RP91–67–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates and Tariff Provisions

January 4, 1991.

Take notice that on December 28, 1990, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 filed the revised tariff sheets listed below in its FERC Gas Tariff, Second Revised Volume No. 1, proposing changes in rates and tariff provisions:

First Revised Sheet No. 24
First Revised Sheet No. 139
First Revised Sheet No. 140
First Revised Sheet No. 141
Original Sheet No. 142
Original Sheet No. 143
Original Sheet No. 144
Original Sheet No. 145–199

Granite State proposes an effective date of December 17, 1990, for the above listed tariff sheets.

According to Granite State, its filing is submitted to revise the methodology approved by the Commission in Docket Nos. RP88–242–000 and 001 (44 FERC ¶ 61,399; 46 FERC ¶ 61,043) to flow through to its customers the directly billed fixed costs for take-or-pay costs charged Granite State by Tennessee Gas Pipeline Company (Tennessee). It is stated that Tennessee filed a revised methodology for deriving and passing through by direct billing its take-or-pay costs in Docket No. RP91–21–000, following the issuance of Court opinions disapproving the purchase deficiency methodology and Commission Order No. 528. It is stated that the Commission accepted Tennessee's revised flow through mechanism in Docket No. RP91–21–000, subject to refund, and Granite State further states that its revised tariff sheets track the Tennessee method accepted by the Commission for flowing through to its customers the directly billed take-or-pay costs it is charged by Tennessee.

According to Granite State the proposed rate changes and tariff provisions are applicable to its jurisdictional sales services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to make any protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–612 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA91–1–4–001 and TM91–3–4–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

January 4, 1991.

Take notice that on December 31, 1990, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 filed the revised tariff sheets in its FERC Gas Tariff, Second Revised Volume No. 1, listed below containing changes in rates for effectiveness on January 1, 1991:

Substitute Second Revised Sheet No. 21
First Revised Sheet No. 25

According to Granite State, it filed its revised sales rates for effectiveness on January 1, 1991 on November 5, 1990 as part of its annual purchased gas cost adjustment filing. Granite State further states that its January 1, 1991 rates were based on projected gas costs and sales for the first quarter of 1991. It is stated that the instant filing revises the January 1, 1991 sales rates based on the latest available projection of its purchased gas costs during the first quarter of 1991. The filing projects the same level of sales as in the November 5, 1990 filing but the mix of supplies is slightly changed. According to Granite State, its revised sales rates are applicable to its wholesale sales to its two affiliated distribution company customers: Bay State Gas Company (Bay State) and Northern Utilities, Inc.

Granite State further states that the revised rates on First Revised Sheet No. 25 reflect a change in its storage Rate Schedule GSS to track a change made by CNG Transmission Corporation

(CNG) in its Rate Schedule GSS recently in a filing in Docket No. TM91–4–22–001. According to Granite State, it renders a storage service for Bay State under its Rate Schedule GSS which is provided in a storage facility operated by CNG under its Rate Schedule GSS.

Granite State states that copies of its filing were served upon its customers and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts.

Any person desiring to be heard or to make any protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–613 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–66–000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

January 4, 1991

Take notice that on December 31, 1990, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

Second Revised Volume No. 1

Fourth Revised Sheet No. 10
Fourth Revised Sheet No. 11
First Revised First Revised Sheet No. 13
First Revised Original Sheet No. 15
First Revised Sheet No. 100
First Revised Sheet No. 139
First Revised Sheet No. 140
First Revised Sheet No. 141
First Revised Sheet No. 145
First Revised Sheet No. 146

First Revised Volume No. 1–A

Third Revised Sheet No. 201
First Revised Sheet No. 435
First Revised Sheet No. 436
First Revised Sheet No. 437
First Revised Sheet No. 438

Original Volume No. 2

Twentieth Revised Sheet No. 2.3

The purpose of this filing is (1) to update the Commodity SSP (Supplier Settlement Payment) surcharge effective January 1, 1991 to reflect the inclusion of additional costs, associated with fifty percent of SSP, that have occurred since Northwest's last quarterly filing, (2) to restate the Fixed SSP Charges that are billable through the purchase deficiency methodology by Northwest, pursuant to the Commission's directives in Order No. 528 and as set forth in the Commission's December 14, 1990 order ("December 14 Order") issued in Docket No. RM91–2–000, (the reinstated Fixed SSP Charges, included in the four filings preceding Docket No. RP90–118–000, are contained in Docket Nos. RP89–137–000, RP89–219–000, RP90–50–000, and RP90–90–000) and (3) to implement a commodity surcharge to collect Northwest's Fixed SSP Charges that were stayed by Order Nos. 528 and the Commission's December 14 Order. Such surcharge is based upon twenty-five percent of total SSP contained in Docket Nos. RP90–118–000 and RP91–42–000, and twenty-five percent of SSP contained in this instant filing.

The above-listed tariff sheets with the exception of Sheet No. 15 have a proposed effective date of January 1, 1991. First Revised Original Sheet No. 15 has a proposal effective date of April 1, 1990.

Northwest states that a copy of the non-confidential portion of this filing has been served upon all parties of record in Docket No. RP89–137 and upon Northwest's jurisdictional customer list and affected state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protest should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–614 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–68–000]

Penn-York Energy Corp.; Proposed Changes in FERC Gas Tariff

Take notice that Penn-York Energy Corporation ("Penn-York"), on December 31, 1990, tendered for filing proposed Third Revised Volume No. 1 to its FERC Gas Tariff, to become effective on February 1, 1991. The revised tariff sheets reflect proposed changes which will increase Penn-York's revenue from storage service by approximately $10,520,673, based on the twelve-month period ended September 30, 1990, as adjusted. Third Revised Volume No. 1 is being filed electronically in compliance with Order No. 493. Further, the revised tariff sheets reflect new pagination for Volume No. 1 of Penn-York's Gas Tariff.

Penn-York states that an increase in rates is necessary to recover cost-of-service increases due to losses of storage gas, and increased operation and maintenance expenses.

Penn-York states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the states of Connecticut, Delaware, Massachusetts, New Hampshire, New York, Pennsylvania, New Jersey and Rhode Island.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 or 211 of the Commission's Procedural Rules (18 CFR 385.214, or 385.211). All such petitions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–615 Filed 1–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–63–000]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 4, 1991

Take notice that on December 28, 1990, South Georgia Natural Gas

Company (South Georgia) tendered for filing the following proposed tariff sheets to First Revised Volume No. 1 of its FERC Gas Tariff, with a proposed effective date of February 1, 1991:

Sixty-Ninth Revised Sheet No. 4A
Sixth Revised Sheet No. 4C
Second Revised Sheet No. 16D
Second Revised Sheet No. 16T

An an alternative to the above-referenced sheets, South Georgia submitted First Alternate Sixth Revised Sheet No. 4C with a proposed effective date of February 1, 1991, in the event that South Georgia's primary proposal is not acceptable to the Commission.

South Georgia states that its filing has been made to revise its tariff provisions providing for allocation of certain costs associated with the recovery of take-or-pay buyout and buydown costs flowed-through to South Georgia by Southern Natural Gas Company. South Georgia's primary proposal contains tariff sheets: (1) Reflecting a fixed charge for 50% of such costs through direct billing to its firm customers based on their current maximum daily firm service levels; and (2) implementing a volumetric take-or-pay surcharge on all volumes of gas transported or sold by South Georgia for the remaining 50% of such charges. Direct charges to sales customers will be offset by amounts already paid by those customers under the previous allocation methodology. All costs will be recovered over a five (5) year amortization period.

South Georgia's alternate proposal contains a tariff sheet which reflects a fixed charged for 100% of all take-or-pay settlement costs paid to Southern on a direct-billed basis. Although South Georgia believes that its primary proposal contains the most equitable allocation of costs, it submitted its alternate sheet should the Commission find South Georgia's proposed volumetric surcharge unacceptable.

South Georgia states that copies of the filing have been mailed to its customers, shippers and interested state commissioners.

Any person desiring to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–616 Filed 1–9–91: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91–61–000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 4, 1991.

Take notice that on December 26, 1990, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, with a proposed effective date of February 1, 1991:

Fourteenth Revised Sheet No. 12
Eleventh Revised Sheet No. 12A
Fifth Revised Sheet No. 12B
Fifth Revised Sheet No. 12C
Sixth Revised Sheet No. 117
Fourth Revised Sheet No. 118
Fourth Revised Sheet No. 119
Second Revised Sheet No. 120
Second Revised Sheet No. 121

Texas Gas states that the purpose of this filing is to submit a new cost allocation methodology pursuant to Commission Order No. 528 to replace the cost allocation methodology previously used by Texas Gas to allocate the fixed charge portion of its take-or-pay settlement costs in its take-or-pay cost recovery filings made pursuant to Commission Order No. 500.

Texas Gas states that copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers, interested state commissions, and each person listed on the official service list previously compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–617 Filed 1–9–91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88–115–000, RP90–104–000 and RP 90–192–000]

Texas Gas Transmission Corp.; Informal Settlement Conference

January 3, 1991.

Take notice that an informal settlement conference will be convened in these proceedings on January 29, 1991, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald A. Heydt (202) 208–0248 or Joanne Leveque (202) 208–5705.

Lois D. Cashell,

Secretary.

[FR Doc. 91–520 Filed 1–9–91; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Security for The Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance) to Jahn Reisen GmbH, et al.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Jahn Reisen GmbH and Marline Universal Shipping Company, c/o Kirlin, Campbell & Keating, 14 Wall Street, New York, N.Y. 10005.

Vessel: Vistamar.

Dated: January 4, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91–519 Filed 1–9–91; 8:45 am]

BILLING CODE 6730-01-M

[Petition No. P5-90]

Conditions Unfavorable to Shipping in United States-Venezuela Trade; Enlargement of Time; Total Ocean Marine Services, Inc.

The Commission on December 7, 1990, published notice that a petition for relief from conditions unfavorable to shipping in the United States-Venezuela trade ("Trade") has been filed by Total Ocean Marine Services Inc. ("Petitioner"), requesting relief under section 19(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(b) (55 FR 50588). Petitioner requests Commission assistance to obtain confirmation of Petitioner's authorization by the Venezuelan Ministry of Transport and Communications for Petitioner to operate third flag vessels in a common carrier service in the Trade and/or provide such other relief as deemed appropriate. Thirty days were allowed for comments by interested persons.

Counsel for the U.S. Atlantic & Gulf/Venezuela Freight Association ("Association") now requests a 30-day enlargement of time to comment, based on intervening holidays and the need to communicate abroad. A limited extension of 15 days will be granted. This balances Petitioner's request for expedition against the Association's difficulties in meeting the current deadline.

Replies shall be filed on or before January 22, 1991. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001, shall consist of an original and 15 copies, and shall be served on Thomas F. Vogt, President, Total Ocean Marine Services, Inc. 845 North Central Avenue, Massapequa, New York 11758.

Copies of the petition are available for examination at the Washington, DC office of the Commission, 1100 L Street, NW., room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 91-517 Filed 1-9-91; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comment on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200233-007

Title: Philadelphia Regional Port Authority/Holt Cargo Systems, Inc. Terminal Agreement.

Parties:

Philadelphia Regional Port Authority (PRPA)
Holt Cargo Systems, Inc. (Holt)

Synopsis: The Agreement amends the parties' basic agreement to provide for: Restating the agreement in its entirety; restating the compensation that Holt will pay PRPA for the use of the Packer Avenue Marine Terminal; certain incentives for Holt to bring in new container business; certain improvements by the parties, including additional cranes; Holt to construct an intermodal transfer facility next to the terminal; and Holt's right to develop and use other adjacent facilities.

Agreement No.: 224-200226-002.

Title: City of Los Angeles Metropolitan Stevedore Company Terminal Agreement.

Parties:

City of Los Angeles (City)
Metropolitan Stevedore Company

Synopsis: The Agreement amends the parties' basic agreement to: Update the assignment clause at paragraph 7 of the agreement to conform with the City's policy relating to commercial leases; and correct certain unintended items contained in the compensation section of the agreement.

Agreement No.: 224-010947-001.

Title: City of Los Angeles/Hanjin Shipping Company, Inc. Terminal Agreement.

Parties:

City of Los Angeles (City)
Hanjin Shipping Company, Inc. (Hanjin)

Synopsis: The Agreement amends the parties' basic agreement to: Extend the term of the agreement of June 1, 1991; and provide for the City's compensation during the extension period to remain at the same rate set forth at section 4 of the agreement, however, providing that Hanjin will only be liable for the prorata portion of the minimum annual guarantee for the period the premises were actually available for use by Hanjin.

Agreement No.: 224-200465.

Title: Port of Portland/Star Shipping A/S Terminal Agreement.

Parties:

Port of Portland (Port)
Star Shipping A/S (Star)

Synopsis: The Agreement provides for: Star's use of the Port as its designated Columbia River Port of call for a minimum of 20 sailings during the 12-month term of the Agreement; the parties to share in wharfage and dockage on Port earned revenue; and Star to guarantee the Port a minimum of $200,000 per year wharfage and dockage revenue.

Agreement No.: 224-200466.

Title: Virginia International Terminals, Inc./Wallenius Lines, North America, Inc. Terminal Agreement.

Parties:

Virginia International Terminals, Inc. (VIT)
Wallenius Lines, North America, Inc. (Wallenius)

Synopsis: The Agreement provides for: Wallenius' 1-year non-exclusive use of VIT's Portsmouth Marine Terminal (PMT) and VIT to furnish Wallenius with certain terminal services; Wallenius to guarantee the movement of a minimum of 100,000 tons through PMT during the 1-year period of the Agreement; and, VIT to grant Wallenius a 10% discount applicable to Receiving and Wharfage tariff rates.

By Order of the Federal Maritime Commission.

Dated: January 4, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-518 Filed 1-9-91; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011314.

Title: CSAV/SSI Cooperative Working Agreement.

Parties: Compania Sud Americana de Vapores S.A., Swordfish Shipping Inc.

Synoposis: The proposed Agreement would permit the parties to operate a cooperative working agreement with up to 20 sailings per month in the trade between U.S. Atlantic Coast Ports from Portland to Key West and ports in Chile and with up to 15 sailings per month in the trade between U.S. West Coast ports from Seattle to San Diego and ports in Chile, in the fruit trade. The parties would also be permitted to consult and agree on sailing schedules, service frequency, ports to be served and port rotations; to regulate rates, charges, practices and conditions; to apportion revenues, expenses and earnings; and to exchange space. In addition, each party would have its own tariff. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–605 Filed 1–9–91; 8:45 am]

BILLING CODE 6730–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), amended, notice is hereby given that a meeting of the Federal Accounting Standards Advisory Board will be held on January 25, 1991, from 9 a.m. until 5 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda will consist of organizational matters as this will be the initial meeting of the Board. The Board will begin discussion regarding its rules of procedure, agenda-setting process, interim or transition accounting principles that should be recommended for use until the Board can complete its deliberations, and related matters.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 441 G St., NW., room 6023, Washington, DC 20548, or call (202) 275–9578.

SUPPLEMENTARY INFORMATION: By letter of December 18, 1990, the General Services Administration Committee Management Secretariat waived the 15-day waiting period following publication of the **Federal Register** notice of establishment and thus the Board filed its charter on December 21, 1990, the day that the notice of establishment was published.

DATES: January 25, 1991.

ADDRESSES: 441 G St., NW., room 7313, Washington, DC 20548.

Authority: Federal Advisory Committee Act, Pub. L. No. 92–463, section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988)); 41 CFR 101–6.1015 (1990).

Dated: January 7, 1991.

Ronald S. Young,

Staff Director.

[FR Doc. 91–541 Filed 1–9–91; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval a new information collection for a Study of the Underlying Causes of Youth Homelessness.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245–6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to:

Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch New Executive Office Building, Room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Study of the Underlying Causes of Youth Homelessness.

OMB No.: N/A.

Description: The purpose of this study is to provide the Administration for Children, Youth and Families, OHDS, with information on: (a) What services and other interventions are needed to prevent a youth from becoming homeless; and (b) What services are needed to terminate a youth's homeless status. The information obtained will be used to inform legislators, youth services providers, and child welfare planning and administrative staff about the origins and needs of homeless youth, and to provide a basis for improving the overall effectiveness of prevention activities and services for homeless youth.

Annual Number of Respondents:	480
Annual Frequency:	1
Average Burden Hours Per Response:	1
Total Burden Hours:	480

Dated: January 2, 1991.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 91–546 Filed 1–9–91; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of 1-Epinephrine Hydrocloride

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of 1-epinephrine hydrochloride, an endogenous neurotransmitter hormone widely used for the treatment of allergic and respiratory disorders.

Toxicology and carcinogenesis studies of 1-epinephrine hydrochloride were conducted by exposing groups of 60 rats of each sex to aerosols of 1-epinephrine hydrochloride at concentrations of 0, 1.5, or 5 mg/m3, 6 hours per day, 5 days per week for 103 weeks. Groups of 60 mice of each sex were exposed to 0, 1.5, or 3 mg/m3 1-epinephrine hydrochloride, 6 hours per day, 5 days per week for 104 weeks.

Under the conditions of these studies, no carcinogenic effects were observed in male or female F344/N rats exposed to aerosols containing 1.5 or 5 mg/m3 1-epinephrine hydrochloride for 2 years or in B6C3F1 mice exposed to 1.5 or 3 mg/m3 1-epinephrine hydrochloride for 2 years. However, these studies were considered to be inadequate studies of

carcinogenic activity [1] because the concentrations used, which were chosen to represent multiples of human therapeutic doses, were considered too low for the animals to have received an adequate systemic challenge from the compound.

Copies of Toxicology and Carcinogenesis Studies of 1-Epinephrine Hydrochloride in F344/N Rats and B6C3F1 Mice (Inhalation Studies) (TR 380) are available without charge from the Chemical Carcinogenesis Branch, MD A0-01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-1371

Dated: January 3, 1991.

David G. Hoel,

Acting Director, National Toxicology Program

[FR Doc. 91-382 Filed 1-9-91; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3185]

Submission of Proposed Information Collection to the Office of Management and Budget

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Wendy Sherwin, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 31, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Supportive Housing Demonstration Program.

Office: Community Planning and Development.

Description of the Need for the Information and its Proposed Use: Proposals by State agencies for participation in the Transitional Housing and Permanent Housing programs under the Supportive Housing Demonstration Program will be solicited. This program, created by the Steward B. McKinney Homeless Assistance Act, provides grants and interest-free advances to stimulate community-based long-term housing and supportive services for handicapped homeless persons.

Form Number: HUD-40076, HUD-40083, and SF-424.

Respondents: State or Local Governments and Non-Profit Institutions.

Frequency of Submissions: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Application	464		1		48.14		22,337

Total Estimated Burden Hours: 22,337.

Status: Extension.

Contact: James N. Forsberg, HUD, (202) 708-1234; Wendy Sherwin, OMB, (202) 395-6880.

Dated: December 31, 1990.

[FR Doc. 91-560 Filed 1-9-91; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-90-3173; FR-2928-N-01]

Section 202 Loans for Housing for the Elderly or Handicapped; Fiscal Year 1991 Loan Interest Rate

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement of section 202 Loan Interest Rate—Fiscal Year 1991.

SUMMARY: Under 24 CFR 885.410(g), the interest rate for a loan for housing for the elderly or handicapped under section 202 the Housing Act of 1959 is set at one of two rates: (1) The annual interest rate announced by HUD under § 885.410(g)(1); or (2) the optional interest rate elected by the Borrower and computed by HUD at the time of the Borrower's request for conditional or firm commitment under § 885.410(g)(2). This document establishes 9 percent as

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in each experiment: Two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

the annual interest rate for Fiscal Year 1991. (Information concerning the calculation of the operational interest rate will be provided to Borrowers upon request. See § 885.410(h).)

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Director, Assisted Elderly and Handicapped Housing Division, 451 Seventh Street SW., room 6116, Washington, DC 20410–8000, telephone (202) 708–2730. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under 24 CFR 885.410(g), the interest rate for a loan for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 is set at one of two rates: (1) The annual interest rate announced by HUD under § 885.410(g)(1); or (2) the optional interest rate elected by the Borrower and computed by HUD at the time of the Borrower's request for conditional or firm commitment under § 885.410(g)(2). The citations in this document are to the interim rule published June 1, 1988 (53 FR 19699) and the final rule published November 9, 1988 (53 FR 45265).

This document announces HUD's determination of the annual interest rate. (Information concerning the calculation of the optional interest rate will be provided to Borrowers upon request. See § 885.410(h).)

The annual interest rate under § 885.410(g)(1) may not exceed:

(1) The average yield on the most recently issued 30-year marketable obligations of the United States during the three month period immediately preceding the fiscal year in which the loan is made (adjusted to the nearest one-eighth of one percent) plus an allowance to cover administrative costs and probable losses under the program. (This allowance has been determined by the Secretary of Housing and Urban Development to be one-fourth of one percent (0.25 percent) per annum for both the construction and permanent loan periods); and

(2) Any applicable statutory ceiling on the loan interest rate including the allowance to cover administrative costs and probable losses. (§ 885.410(g)(1)(ii)). The current statutory ceiling is 9.25 percent per annum.

The average yield on the described interest-bearing obligations of the United States during the last three months of Fiscal Year 1990 was 8.750 percent. This rate plus the 0.25 percent allowance for administrative costs and probable losses yields an interest rate of 9 percent. Accordingly, this Notice establishes the annual interest rate for section 202 loans made during Fiscal Year 1991 at 9 percent per annum.

Under 24 CFR 50.20(1), an environmental finding is not necessary because the statutory required establishment of interest rates is among matters that are categorically excluded from the environmental requirements of 24 CFR part 50.

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: December 11, 1990.

Arthur J. Hill,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 91–561 Filed 1–9–91; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–943–90–4212–13; IDI–21338, IDI–22245, IDI–22300]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening order.

SUMMARY: This order opens lands received in three private exchanges to the land, mining and mineral leasing laws.

EFFECTIVE DATE: February 9, 1991.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334–1735.

1. In three exchanges made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been reconveyed to the United States:

Boise Meridian

(IDI)–21338)

T. 62 N., R. 1 W.,
Sec. 25, W½SE¼.

(IDI)–22300)

T. 19N., R.23E.,
Sec. 24, SE¼SW¼.

(IDI)–22245)

T. 1 N., R. 16 E.,
Sec. 5, SW¼NE¼, W½NW¼, SE¼NW¼, N½SW¼ and NW¼SE¼;
Sec. 6, NE¼, NE¼NW¼ and NE¼SE¼.
T. 2 N., R. 16 E.,
Sec. 34, lots 1 and 2, NE¼NE¼, S½NE¼ and N½SE¼;
Sec. 35, lots 3 and 4, NW¼ and N½SW¼.

The areas described aggregate 1,250.35 acres in Boundary, Lemhi, and Camas Counties.

2. At 9 a.m. on February 9, 1991, the lands described in paragraph one will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on February 9, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on February 9, 1991, the lands described in paragraph one will be opened to locations and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 3, 1991.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 91–578 Filed 1–9–91; 8:45 am]

BILLING CODE 4310–GG–M

[ID–943–90–4212–13; IDI–23542, IDI–12640]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening order.

SUMMARY: This order opens lands received in two State exchanges to the land, mining and mineral leasing laws.

EFFECTIVE DATE: February 9, 1991.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334–1735.

1. In two exchanges made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been reconveyed to the United States:

Boise Meridian

(IDI–23542)

T. 3 N., R. 23 E.,
Sec. 36.

T. 2 N., R. 24 E.,
Sec. 16, lots 1, 3 and 4, W½NE¼, NW¼, N½SW¼ and NW¼SE¼, excluding the land included in Mineral Patent No. 11–67–0061 described as follows:

(Mineral Survey No. 3498)

Commencing at section corner common to sections 8, 9, 16 and 17, T. 2 N., R. 24 E., B.M., thence S. 46°17'02" E., 571.87 feet to Point No. 1 of the Rosa Lode, said point being the real point of beginning;
Thence S. 5°31'19" E., 600 feet;
Thence N. 84°28'41" E., 1500 feet;
Thence N. 5°31'19" W., 600 feet;
Thence N. 84°28'41" E., 1,231.33 feet;
Thence N. 5°31'19" W., 600 feet;
Thence S. 84°28'41" W., 3,000 feet;
Thence S. 5°31'19" E., 600 feet;
Thence N. 84°28'41" E., 266.67 feet, returning to the real point of beginning, and containing 61.98 acres more or less.
(Note: This excluded description includes portions of Sections 9 and 16, both.)

T. 5 N., R. 24 E.,
Sec. 16.
T. 6 N., R. 24 E.,
Sec. 16.
T. 4 N., R. 25 E.,
Sec. 16, W½, and SW¼SE¼.
T. 5 N., R. 25 E.,
Sec. 36.
T. 6 N., R. 25 E.,
Sec. 16, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 3 N., R. 26 E.,
Sec. 36.
T. 1 N., R. 27 E.,
Sec. 36.
T. 2 N., R. 27 E.,
Sec. 16;
Sec. 36.
T. 3 N., R. 27 E.,
Sec. 36.
T. 1 S., R. 27 E.,
Sec. 36.
T. 2 S., R. 27 E.,
Sec. 36.
T. 1 N., R. 28 E.,
Sec. 16;
Sec. 36.
T. 1 S., R. 28 E.,
Sec. 16.
T. 1 N., R. 29 E.,
Sec. 16.
T. 10 N., R. 29 E.,
Sec. 36.
T. 1 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 9 N., R. 30 E.,
Sec. 16.
T. 2 S., R. 31 E.,
Sec. 16.

(IDI–12640)

T. 11 S., R. 2 E.,
Sec. 36.
T. 12 S., R. 2 E.,
Sec. 9, SE¼SE¼;
Sec. 14;
Sec. 15, W½W½;
Sec. 16;
Sec. 22, NW¼SW¼;
Sec. 27, SW¼NE¼, SE¼NW¼, NE¼SW¼ and W½SE¼;
Sec. 34, NE¼ and NE¼SE¼;
Sec. 35, lots 3 and 4 and NW¼SW¼;
Sec. 36, lots 1 to 4, inclusive, N½ and N½S½.
T. 12 S., R. 3 E.,
Sec. 16;
Sec. 17, NW¼NW¼;
Sec. 23, SE¼NE¼;
Sec. 35, lots 1 and 2, NE¼SW¼ and NW¼SE¼;
Sec. 36, lots 1 to 4, inclusive, N½ and N½S½.
T. 13 S., R. 1 W.,
Sec. 16;
Sec. 36.
T. 13 S., R. 1 E.,
Sec. 3, S½N½ and N½S½;
Sec. 4, S½N½ and N½S½;
Sec. 5, S½NE¼, SW¼ and N½SE¼;
Sec. 16.
T. 13 S., R. 2 E.,
Sec. 3, lots 3 and 4;
Sec. 36.
T. 14 S., R. 1 W.,
Sec. 16;
Sec. 36.
T. 14 S., R. 1 E.,
Sec. 16;
Sec. 36, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼ and NW¼SE¼.
T. 14 S., R. 2 E.,
Sec. 16.
T. 14 S., R. 3 E.,
Sec. 25, E½NE¼ and S½SE¼;
Sec. 36.
T. 14 S., R. 4 E.,
Sec. 16;
Sec. 28, SW¼NW¼ and W½SW¼;
Sec. 29, S½NE¼, SE¼NW¼, NW¼SW¼, SE¼SW¼ and SE¼;
Sec. 30, lots 1, 2 and 4, NE¼, E½NW¼, SE¼SW¼ and NE¼SE¼;
Sec. 31, lot 1, and NE¼NW¼.

The areas described aggregate 28, 087.86 acres in Bingham, Blaine, Butte, Owyhee, Clark and Custer Counties.

2. At 9 a.m. on February 9, 1991, the lands described in paragraph 1 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on February 9, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on February 9, 1991, the lands described in paragraph 1, except for the lands described below, will be opened to application and offers under the mineral leasing laws. The following described lands, which have been leased for oil and gas rights by the State of Idaho, will be opened March 2, 1996 (lease expiration date) or when the lease is relinquished. At that time oil and gas deposits will automatically vest in the United States and an appropriate opening order will be issued:

Boise Meridian

T. 3 N., R. 23 E.,
Sec. 36.

The area described contains 640 acres in Blaine County.

4. At 9 a.m. on February 9, 1991, the lands described in paragraph 1 will be opened to location and entry under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 3, 1991.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 91–574 Filed 1–9–91; 8:45 am]

BILLING CODE 4310–GG–M

[WAOR 45733; (OR–130–01–4212–13;GP1–085)]

Amendment of Realty Action: Exchange of Public Lands in Ferry, Lincoln, Pend Oreille and Stevens Counties, WA

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This notice amends the Realty Action published in Vol. 55, page 2,155 of the **Federal Register** on January 22, 1990, to include the following lands proposed for acquisition by exchange:

Willamette Meridian

T. 21 N., R. 32 E.,
Sec. 3, Portion lying North and West of Great Northern Railroad Right-of-Way;
T. 22 N., R. 32 E.,
Sec. 2, S½;
Sec. 10, S½NE ¼, SE¼;
Sec. 11, All;
Sec. 12, All;
Sec. 14, All;
Sec. 15, All;
Sec. 22, E½;
Sec. 34, SE¼;
Sec. 35, W½;
T. 22 N., R. 33 E.,
Sec. 7, Lots 1 and 2, and that Portion of Lot 3 lying North of Pacific Lake.

Aggregating 4,250 acres more or less, in Lincoln County, Washington.

Date of Issue: January 3, 1991.

Ann B. Aldrich,

Acting District Manager.

[FR Doc. 91-577 Filed 1-9-91; 8:45 am]

BILLING CODE 4310-33-M

[UT080-91-4410-08]

Progress Report for the Diamond Mountain Resource Management Plan (RMP) Vernal District, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Progress Report for the Diamond Mountain Resource Management Plan Development; Areas of Critical Environmental Concern (ACEC) Status; Management Situation Analysis Completed.

SUMMARY: The Diamond Mountain Resource Area of the Utah Vernal District is currently developing a resource management plan and environmental impact statement scheduled for completion in 1992. Public comment will continue to be solicited throughout the planning process.

SUPPLEMENTARY INFORMATION: The Diamond Mountain Resource Area is responsible for management of BLM-administered lands and minerals on approximately 686,000 acres of Daggett and Duchesne Counties and that portion of Uintah County west of the Green River. These counties are located in northeastern Utah.

The RMP will coordinate management of federal lands administered by the Bureau within the resource area with the management of the State of Utah; the Ute Indian Tribe; adjoining Bureau districts and resource areas; other federal agencies; and county and private entities. It will also coordinate management of the federal sub-surface mineral estate with the private or other non-federal surface owners.

Issues, problems, and concerns arising from the scoping process completed during the winter of 1988-89, identified the following broad categories:

1. Balancing the demand for consumptive and nonconsumptive uses of vegetation, soil, and watershed resources. Protecting basic resources while allowing, to the extent possible, uses that affect these resources.
2. Special management areas.
3. Availability and accessibility of resources for development and use.

Special management needs have been tentatively identified by Bureau personnel and members of the public for: Browns Park, Pariette wetlands, Myton Bench watershed, Red Mountain (2), Castle Cove, Lears Canyon, the Middle and Lower Green River, the Uintah Mountain South Footslopes and Nine Mile Canyon. Therefore, the possibility of proposing Areas of Critical Environmental Concern (ACECs) for these lands are being studied. In addition, two ACECs currently designated by the 1981 Browns Park management framework plan (MFP), namely the Green River Scenic Corridor ACEC and the Red Creek Watershed ACEC, will be reassessed for continued designation.

The upper stretch of the Green River (from Little Hole to the Colorado border) has been recommended by the Green and Yampa Rivers Wild and Scenic River Study EIS (released in November 1983), for inclusion in the Wild and Scenic River System. This recommendation will be brought forward in the plan. In addition, all other waters within the resource area will be evaluated for Wild and Scenic River values.

Following scoping activities, the above issues were clarified and planning criteria were developed to guide the planning process. This document was mailed to interested parties and government officials in fall 1989 for comment. The issues and criteria were further refined in Spring 1990 and incoporated into the Management Situation Anaylsis (MSA). Copies of the Diamond Mountain RMP planning issues and criteria may be obtained from the team leader. Copies of the Management Situation Analysis may be viewed at the Vernal District Office or the Utah State Office of the Bureau of Land Management.

Five alternatives were developed by the interdisciplinary team and will be analyzed in the draft RMP. The objectives of the individual alternatives are:

Alternative A: To continue present management;

Alternative B: To enhance ecological systems and cultural values and compatible recreational opportunities;

Alternative C: To manage ecological systems for forage production for livestock;

Alternative D: To enhance opportunities for mineral exploration and development; and

Alternative E: To maintain or improve natural resources while managing a combination of varied uses and considering their effects on environmental interrelationships.

Formal public participation will be requested for review of the draft RMP/EIS (Fall 1991) and proposed RMP/Final EIS (1992). Notice of availability of these documents will be published at the appropriate times.

FOR FURTHER INFORMATION CONTACT: Penelope Smalley, Team Leader, Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, UT 84078, Phone: (801) 789-1362.

Dated: January 2, 1991.

Gary R. Hunter,

Acting District Manager.

[FR Doc. 91-567 Filed 1-9-91; 8:45 am]

BILLING CODE 4310-DQ-M

[WY-940-01-4730-12]

Filing of Plats of Survey; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing of plats of survey.

SUMMARY: The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10 a.m., January 2, 1991.

Sixth Principal Meridian

T. 46 N., R. 78 W.

The plat, representing the dependent resurvey of a portion of the south boundary, the west boundary and a portion of the subdivisional lines, T. 46 N., R. 78 W., Sixth Principal Meridian, Wyoming, Group No. 505, was accepted December 4, 1990.

T. 47 N., R. 78 W.

The plat representing the dependent resurvey of a portion of the south boundary, the west boundary, and portions of the north boundary and subdivisional lines, T. 47 N., R. 78 W., Sixth Principal Meridian, Wyoming, Group No. 505, was accepted December 4, 1990.

T. 48 N., R. 78 W.

The plat representing the dependent resurvey of a portion of the Twelfth Standard Parallel North, through Range 78 West, the west boundary and a portion of the subdivisional lines, T. 48 N., R. 78 W., Sixth Principal Meridian, Wyoming, Group No. 505, was accepted December 4, 1990.

T. 27 N., R. 118 W.

The plat representing the dependent resurvey of portions of Tracts 66 and 71, a portion of the subdivisional lines, and the survey of Tract 75, T. 27 N., R. 118 W., Sixth Principal Meridian, Wyoming, Group No. 512, was accepted December 4, 1990.

These surveys were executed to meet certain administrative needs of this Bureau.

T. 46 N., R. 78 W.

The plat showing a subdivision of certain sections, T. 46 N., R. 78 W., Sixth Principal Meridian, Wyoming, was accepted December 4, 1990.

T. 47 N., R. 78 W.

The plat showing a subdivision of certain sections, T. 47 N., R. 78 W., Sixth Principal Meridian, Wyoming, was accepted December 4, 1990.

T. 48 N., R. 78 W.

The plat showing a subdivision of certain sections, T. 48 N., R. 78 W., Sixth Principal Meridian, Wyoming, was accepted December 4, 1990. These supplemental plats were prepared to meet certain administrative needs of this Bureau.

ADDRESSES: All inquiries concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: January 2, 1991.

John P. Lee,

Chief, Branch of Cadastral Survey.

[FR Doc. 91–563 Filed 1–9–91; 8:45 am]

BILLING CODE 4310–22–M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through March 1991. This notice is one of a variety of means being used to inform the public about proposed contractual actions for water service and repayment. The Bureau of Reclamation announcements of individual repayment and water service contract actions will be published in the **Federal Register** and in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus of interim irrigation water for a term of 1 year or less. The Secretary of the Interior or the district may invite the public to observe and contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

ADDRESSES: The identity of the approving officer, and other information pertaining to a specific contract proposal, may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Dick L. Porter, Chief, Contracts & Repayment Division, Bureau of Reclamation, 1849 C St. NW., Washington, DC 20240; telephone (202) 208–3014, (FTS) 268–3014.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulations published in the **Federal Register** dated December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of water for irrigation or other uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution and, Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** dated February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during January, February, or March of 1991. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Individual notices of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein:

(FR) Federal Register
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(BCP) Boulder Canyon Project

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724–0043, telephone (202) 334–1547.

1. Cascade Reservior Water Users, Boise Project, Idaho: Repayment contracts for irrigation and municipal and industrial water; 19,201 acre-feet of stored water in Cascade Reservoir.

2. Individual Irrigators, M&I, and Miscellaneous Water Users, Pacific Northwest Region, Idaho, Montana, Oregon, and Washington: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

3. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $5 per acre-foot or $50 minimum per annum for terms up to 40 years.

4. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $1.50 per acre-foot or $50 per annum for terms up to 40 years.

5. Irrigation Districts and Similar Water User Entities: Amendatory repayment and water service contracts; purposes in the conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

6. Forty-four Palisades Reservoir Shareholders, Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

7. City of Cle Elum, Yakima Project, Washington: Amendatory of replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

8. Three Irrigation Districts, Flathead Indian Irrigation Project: Repayment of costs associated with rehabilitation of irrigation facilities.

9. Baker Valley Irrigation District, Baker Project, Oregon: Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

10. Crooked River Project, Oregon: Irrigation repayment or water service contracts with several individuals and with North Unit Irrigation District for a

total of up to 25,000 acre-feet of storage space in Prineville Reservoir (Arthur R. Bowman Dam).

11. Minidoka-Palisades Project: Repayment contract with Palisades Water Users Inc., for additional 500 acre-feet of storage space in Palisades Reservoir.

12. Willow Creek Project, Oregon: Repayment or water service contracts for a total of up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

13. Four Project Spaceholders. Minidoka-Palisades Project, Idaho-Wyoming: Contract amendments to provide for rental of water to other parties.

14. Bridgeport Irrigation District, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

15. Hermiston Irrigation District, Umatilla Project, Oregon: Repayment contract for reimbursable cost for Safety-of-Dams repairs to Cold Springs Dam.

16. Ochoco Irrigation District and Various Individual Spaceholders, Crooked River Project, Oregon: Repayment contract for reimbursable cost for Safety-of-Dams repairs to Arthur R. Bowman Dam and Ochoco Dam.

17. The Dalles Irrigation District, Oregon: SRPA loan repayment contract; $2,000,000 proposed loan obligation.

18. Oroville-Tonasket Irrigation District, Chief Joseph Dam Project, Washington: SRPA loan repayment contract; $661,500 proposed loan obligation.

19. State of Idaho, Payette Division, Boise Project, Idaho: Proposed repayment contracts with the State of Idaho for the sale of up to 380,000 acre-feet of uncontracted space in Cascade and Deadwood Reservoirs.

20. Sidney Irrigation Cooperative, Willamette Basin Project, Oregon: Irrigation water service for up to 2,000 acre-feet; $1.50 per acre-foot for a term of up to 40 years.

Mid-Pacific Region

Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone (916) 978–5030.

1. Tuolumne Regional Water District, CVP, California: Water service contract, up to 9,000 acre-feet from New Melones Reservoir.

2. Calaveras County Water District, CVP, California: Water service contract, up to 2,000 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

3. Individual irrigators, M&I and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; long-term contracts for similar service for up to 1,000 acre-feet annually. Note: Copies of the standard form of temporary water service contract for the various types of service are available, upon written request, from the Regional Director at the address shown above.

4. Friant Unit Contractors, CVP, California: Renewal of existing long-term water service contracts with numerous contractors on the Friant-Kern and Madera Canals, or who divert from Millerton Reservoir, whose contracts expire 1990–1997 with two contracts expiring later. Water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

5. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

6. State of California, CVP, California: Contracts(s) for (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the Coordinated Operation Agreement.

7. Madera ID, Madera Canal, CVP, California: Warren Act contract to convey and/or store nonproject water through project facilities.

8. County of Tulare, CVP, California: Amendatory water service contract, to provide an additional 1,906 acre-feet and reallocate 400 acre-feet of water from the Ducor ID for a total increase of 2,306 acre-feet.

9. Shasta Dam Area Public Utilities District, CVP, California: Renewal/increase of M&I water supply contract. Less than 6,000 acre-feet.

10. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for water supply for Federal refuge in Grasslands area of California.

11. North Kern Water Storage District, Buena Vista Water Storage District, Tulare Lake Basin Water Storage District, and Hacienda Water District, Kern River Project, California: Amendatory contract to provide storage space for M&I water.

12. Contra Costa Water District, CVP, California: Amendatory water service contract to add an additional point of delivery to accommodate the District's proposed Los Vaqueros project. Amendment will also conform contract to current water rate-setting policies.

13. San Juan Suburban Water District, CVP, California: Amend Contract No. 14–06–0200–152A to provide for the current CVP water rates to conform the contract with the provisions of Sections 105 and 106 of Pub. L. 99–546.

14. Centerville Community Services District, CVP, California: Water service contract for up to 800 acre-feet of M&I water annually.

15. Shasta County Water Agency, CVP, California: Amendatory water service contract to provide for reduction in annual entitlement of 800 acre-feet.

16. Central Valley Project, California: Amendatory contracts to include the provision of the Act of July 2, 1956 (70 Stat. 483) and/or the Act of June 21, 1963 (77 Stat. 68) in existing water service contracts.

17. California Department of Corrections, CVP, California: Water service for up to 1,000 acre-feet of water annually to serve the Sierra Conservation Center (a State prison) near Jamestown, California.

18. Redwood Valley Water District, SRPA, California: Amendatory loan repayment contract.

19. Placer County Water Agency, CVP, California: Amend Contract No. 14–06–200–5082A to provide for the current CVP water rates.

20. Broadview Water District, CVP, California: Amend Contract No. 14–06–200–8092 to provide for change in point of diversion, right to construct new turnout on the San Luis Canal, and contract renewal.

21. Sutter Butte Mutual Water Company, CVP, California: Water service contract for a long-term supplemental water supply. Contract will assure Company's water users an alternate water supply during periods of deficiency in their appropriative water rights. Annual water quantity not determined at this time.

22. Paramount Citrus Association, CVP, California: Contract to convey nonproject water through Federal facilities with exemption of RRA under 426.18. Up to 4,000 acre-feet of water to be transferred through Friant-Kern Canal for delivery to Southern San Joaquin Municipal District.

23. Butte Slough Irrigation Company, CVP, California: Water service contract for a long-term supplemental water supply. Contract will assure Company's water users an alternate water supply during periods of deficiency in their appropriative water rights. Annual water quantity not determined at this time.

24. Lindsay-Strathmore ID, Friant-Kern Canal, CVP, California: Warren Act contract to convey and/or store nonproject water through project facilities.

25. Madera ID, Hidden Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 29, 1992.

26. Chowchilla WD, Buchanan Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1991.

27. Truckee Carson Irrigation District, Newlands Project, Nevada: Warren Act contract to convey and/or store nonproject water in Project facilities.

28. Truckee Carson Irrigation District, Newlands Project, Nevada: Contract for repayment of construction costs of Newlands Project.

29. Santa Barbara County Water Agency, Cachuma Project, California: Repayment contract for reimbursement of funds expended under the Emergency Fund Act for continuation of water service.

30. San Luis Water District, CVP, California: Amendatory water service contract to provide that the District pay full operation and maintenance (O&M) rate for all deliveries resulting from the Azhderian Pumping Plant enlargement and the cost of service rate for such deliveries beginning in 1996 and each year thereafter.

31. United Water Conservation District, SRPA, California: Amendatory loan repayment contract.

32. Carmichael Irrigation District, CVP, California: Water service contract for a long-term supplemental water supply. Contract will assure District's water users an alternate water supply during periods of deficiency in their appropriative water rights. Annual water quantity not determined at this time.

Lower Colorado Region

Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, Nevada 89005, telephone (702) 293–8536.

1. Agricultural and municipal and industrial (M&I) water users, CAP, Arizona: Water service subcontracts—a certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

2. Southern Arizona Water Rights Settlement Act: Sale of up to 28,200 acre-feet per year of municipal effluent to the City of Tucson, Arizona.

3. Contracts with five agricultural entities located near the Colorado River, Boulder Canyon Project (BCP), Arizona: Water service contracts for up to 1,920 acre-feet per year total.

4. Gila River Indian Community, CAP, Arizona: Water service contract for delivery of up to 173,100 acre-feet per year.

5. Irrigation Districts and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Public Law 97–293).

6. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: Contracts for repayment of Federal expenditures for construction of distribution systems.

7. State of Arizona, BCP, Arizona: Contract for an undetermined amount of Colorado River water for M&I use and for agricultural use and related purposes on state-owned land.

8. Imperial Irrigation District and/or the Coachella Valley Water District, California: Contract providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal (AAC) for an equivalent quantity and quality of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project, California.

9. Lower Colorado Water Supply Project, California: Water service and repayment contracts with nonagricultural users in California adjacent to the Colorado River for an aggregate consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the AAC from a well field to be constructed adjacent to the canal.

10. Hutchison present perfected rights contract amendment to reflect the transfer of part of the right to Winterhaven, California, Supreme Court Decree in *Arizona* v. *California* and BCP.

11. Winterhaven present perfected rights contract for a portion of Hutchison Present Perfected Rights transferred to Winterhaven, Supreme Court Decree in *Arizona* v. *California* and BCP.

12. County of San Bernardino, Small Reclamation Projects Act (SRPA), California: Repayment contract for a $29.6 million loan.

13. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

14. Sturges Trust, Supreme Court Decree in *Arizona* v. *California* and BCP, Arizona: Contract for delivery of 8,500 acre-feet of Colorado River water per year for agricultural use as recommended by the State of Arizona and to recognize a 780 acre-feet present perfected right to the use of Colorado River water.

15. Fort Mohave Indian Reservation, Supreme Court Decree in *Arizona* v. *California* and BCP, Arizona: Contract for delivery of Colorado River water for its Federal establishment present perfected right, totaling 122,648 acre-feet of diversions annually.

16. Colorado River Commission of Nevada, BCP, Nevada: A surplus water contract which would allow them to utilize Colorado River water for M&I purposes when available.

17. BCP Arizona: Contracts for additional allocations of Colorado River water to cities located along the Colorado River in Arizona for up to 15,076 acre-feet per year as recommended by the Arizona Department of Water Resources.

18. National Park Service for Lake Mead National Recreation Area, Supreme Court decree in *Arizona* v. *California* and BCP in Arizona and Nevada: Memorandum of Understanding for delivery of Colorado River water for its Federal establishment present perfected right of 500 acre-feet of diversions annually, and the Federal establishment perfected right pursuant to Executive Order No. 5125 (April 25, 1930).

19. Eastern Municipal Water District, SRPA, California: Repayment contract for a $31 million loan.

20. City of Yuma, Gila Project, Arizona: Amendment of current Contract No. 4–07–30–W0055 to add an additional point of diversion, and to provide for water treatment by the Yuma Desalting Plant.

Upper Colorado Region

Bureau of Reclamation, P.O. Box 11568, (125 South State Street), Salt Lake City, Utah 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and new Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and protective order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservoir water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

2. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment

contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two. Contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement in principle.

3. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico. Contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

4. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract for 7,600 acre-feet per year for M&I use.

5. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract for 9,900 acre-feet per year for irrigation use.

6. Uintah Water Conservancy District, Jensen Unit, Central Utah Project, Utah: Amendatory repayment contract to reduce municipal and industrial water supply and corresponding repayment obligation.

7. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Public Law 96–550.

8. Conejos Water Conservancy District, San Luis Valley Project, Colorado: Amendatory contract to place OM&R costs on a variable basis commensurate with the availability of project water.

9. Weber Basin Water Conservancy District, Weber Basin Project, Utah: Repayment Contract for Rehabilitation and Betterment work of selected project facilities.

10. Tri-County Water Conservancy District, Dalles Creek Project, Colorado; Uncompahgre Valley Water Users Association, Uncompahgre Project, Colorado: Agreement for an exchange of water between projects.

Great Plains Region

Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone (406) 657–6413.

1. Individual irrigators, Municipal and Industrial (M&I), and miscellaneous water users, Great Plains Region: Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas: Temporary (interim) water service contract for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fort Shaw Irrigation District, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

3. Owl Creek Irrigation District, Owl Creek Unit, P–SMBP, Wyoming: Amendatory water service contract to reflect reduced water supply benefits being received from Anchor Reservoir.

4. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

5. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Water service contracts; proposed second round contract negotiations for sale of agricultural, municipal, domestic and industrial water from the regulatory capacity of Ruedi Reservoir.

6. Cedar Bluff Irrigation District No. 6, Cedar Bluff Unit, P–SMBP, Kansas: Repayment contract; pending passage of Congressional legislation, terminate the Cedar Bluff Irrigation District's contract. The use of the District's portion of the reservoir storage capacity will be sold to the State of Kansas for fish, wildlife, recreation, and other purposes.

7. Frenchman Valley Irrigation District, Frenchman Unit, P–SMBP, Nebraska: Pending passage of congressional legislation, renegotiate District's existing contract to reduce payments based on payment ability and reduced water supply.

8. Garrison Diversion Unit, P–SMBP, North Dakota: Repayment contract; Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to bring the terms in line with the Garrison Diversion Unit Reformulation Act of 1986. Negotiation of repayment contracts with irrigators and M&I users.

9. Corn Creek Irrigation District, Glendo Unit, P–SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

10. Glen Elder Unit, P–SMBP, Kansas: Negotiations for long-term contracts for agricultural water service from Waconda Lake.

11. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

12. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs incurred by the United States for the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

13. Board of Water Commissioners of the City and County of Denver, the Colorado River Water Conservation District, and the Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Operating agreement for substitution of water in the proposed Muddy Creek Reservoir for Green Mountain Reservoir water.

14. Sargent Irrigation District, Middle Loup Division, P–SMBP, Nebraska: R&B loan repayment contract not to exceed $2,435,000.

15. Chinook Water Users Association, Milk River Project, Montana: SRPA contract for loan of up to $6,000,000 for improvements to the Association's water conveyance system.

16. Heart River Unit, Dickinson Subunit, P–SMBP, North Dakota: Renegotiate Water Service Contract No. I79r–1412 with the City of Dickinson. Existing contract expired September 24, 1989.

17. Malta Irrigation District, Malta Division, Milk River Project, Montana: R&B contract for repayment of $5,600,000 loan.

18. Midvale Irrigation District, Riverton Unit, P–SMBP, Wyoming: Long-term contract for water service from Boysen Reservoir.

19. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Amendatory contract to increase irrigable acreage within the project.

20. East Bench Irrigation District, East Bench Unit, P–SMBP, deferment of semiannual payment of $21,800 due December 31, 1990. The deferment is due to extremely low water levels in Clark Canyon Reservoir.

21. Palmetto Bend Project, Texas: Amendment of the tripartite contract among the United States, the Lavaca-Navidad River Authority and the Texas Water Development Board to transfer the Board's remaining repayment obligation and interest and in the Palmetto Bend Project to the Authority.

22. City of Havre, Milk River Project, Montana: New long-term water service contract for up to 2,800 acre-feet annually.

23. Lakeview Irrigation District, Shoshone Project, Wyoming: New long-term water service contract for up to 3,200 acre-feet of firm water supply annually and up to 11,800 acre-feet of interim water from Buffalo Bill Reservoir.

24. Hildago County Irrigation District No. 6, Texas: SRPA contract for a 25-year loan for up to $5,762,400 to

rehabilitate the District's irrigation facilities.

25. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for up to 55,000 acre-feet of storage capacity in Pactola Reservoir.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within the time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comments.

(7) In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification, and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Dated: January 3, 1991.

Donald Glaser,

Assistant Commissioner.

[FR Doc. 91–536 Filed 1–9–91; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Availability of a Draft Revised Recovery Plan for the Furbish Lousewort for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft revised Recovery Plan for the Furbish lousewort. The Service solicits review and comment from the public on this draft Plan.

DATES: Comments of the draft Recovery Plan must be received on or before March 1, 1991 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy from the Newton Corner Regional Office or the New England Field Office. Written comments and materials regarding the plan should be addressed to the New England Field Office. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the New England Field Office for the duration of the comment period.

Newton Corner Regional Office: Division of Endangered Species, U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, MA 02158, (617) 965–5100.

New England Field Office: U.S. Fish and Wildlife Service, 22 Bridge Street, Ralph Pill Marketplace, 4th floor, Concord, New Hampshire 03301–4901, (603) 225–1411.

FOR FURTHER INFORMATION CONTACT: Susi von Oettingen at the above New England Field Office address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare Recovery Plans for most of the listed species native to the United States. Recovery Plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and provide initial estimates of times and costs for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of Recovery Plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during Recovery Plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised Recovery Plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved Recovery Plans.

The Furbish lousewort (*Pedicularis furbishiae*) is found on the St. Johns River in Maine and New Brunswick, Canada in areas where the combination of suitable soils, moisture, and exposure allow its growth. Some natural disturbance, such as ice-scour, is needed to prevent the growth of dense, woody vegetation. Excessive disturbance of the riverbanks, alteration of the river's hydrology, and clearcutting of bank vegetation are some factors preventing lousewort population development. To date, no essential habitat or populations have been permanently protected.

Major recovery plan tasks include: (1) Protecting essential habitat for the species; (2) protecting the riparian ecosystem along the St. Johns River; (3) monitoring species distribution and population trends; (4) conducting species ecology studies; (5) developing and implementing management plans; and (6) if appropriate, establishing new populations.

Public Comments Solicited

The Service solicits written comments on the Recovery Plan described. All comments received by the date specified above will be considered prior to approval of the Plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 2, 1991.

Ronald E. Lambertson,

Regional Director.

[FR Doc. 91–569 Filed 1–9–91; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Proposed Land Exchange; Cheeseboro Canyon/Palo Comado Canyon, Santa Monica Mountains National Recreation Area; Public Meeting

SUMMARY: The National Park Service, Santa Monica Mountains National Recreation Area, will hold a public meeting January 30, 1991, to hear comments on a proposal, set forth by a private development firm, to exchange private properties for lands within the National Recreation Area in order to facilitate the proponent's access to a proposed golf course and residential development on Jordan Ranch in Ventura County, California. The proposed access also involves lands within Los Angeles County, California. A draft environmental impact statement, evaluating the proposal, has been circulated for public review with comments being accepted until January 31, 1991.

The January 30, 1991, public meeting will be held at 7:00 p.m., at the following location: Agoura High School, 28545 Driver Avenue, Agoura, California.

Because the public meeting will be held within one day of the previously announced deadline for receipt of public comments on the draft environmental statement, the deadline for comments is hereby extended to February 8, 1991.

Any questions on the meeting or the environmental impact statement should be directed to the Superintendent, Santa Monica Mountains National Recreation Area, 30401 Agoura Road, Suite 100, Agoura Hills, CA 91301, telephone number (818) 597–1036.

Dated: December 10, 1990.

Lewis Albert,

Acting Regional Director, Western Region.

[FR Doc. 91–539 Filed 1–9–91; 8:45 am]

BILLING CODE 4310-07-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31814]

Saginaw Valley Railway Co., Inc.; Acquisition and Operation Exemption; Tuscola & Saginaw Bay Railway Co., Inc.

Saginaw Valley Railway Company, Inc. (Saginaw), has filed a notice of exemption to acquire and operate approximately 10.4 miles of rail line owned by Tuscola & Saginaw Bay Railway Company, Inc. (TSBY). The line extends between former milepost 4.6, at Harger, in Saginaw County, MI, and milepost 9.46, at Denmark Jct., in Tuscola County, MI. The transaction was expected to be consummated on December 31, 1990.

Saginaw indicates that this transaction relates to three other matters that will be filed soon. Counsel for Saginaw states that John H. Marino, Eric D. Gerst, and Mariner Corporation, who now control Saginaw and Huron and Eastern Railway, Inc. (Huron), an existing class III shortline rail carrier, will file a petition to reopen the control exemption previously granted in Finance Docket No. 31196, thereby enabling them to control Saginaw and Huron to cover the acquisition which is the subject of this filing. Counsel also states that Huron will file an application in Finance Docket No. 31815 for a Modified Certificate of Public Convenience and Necessity to operate over track legally abandoned and acquired by the State of Michigan for continued rail service. That track is now operated by TSBY. Counsel further states that Saginaw will file in Finance Docket No. 31818 a class exemption under 49 CFR 1180.2(d)(7) to grant trackage rights to Huron to operate over the line to be acquired here.

Any comments must be filed with the Commission and served on: John D. Heffner, Gerst, Heffner, Carpenter and Podgorsky, suite 1107, 1700 K Street, NW., Washington, DC 20006; and A.T. Lippert, Jr., Smith & Brooker, P.C., 3057 Davenport Ave., Saginaw, MI 48602.

Saginaw shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 407.[1]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 4, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–582 Filed 1–9–91; 8:45 am]

BILLING CODE 7035-01-M

[1] Saginaw certifies that it has identified to the appropriate State Historic Preservation Officer all sites and structures 50 years old and older that will be transferred as a result of this transaction.

[Finance Docket No. 31802]

South Kansas and Oklahoma Railroad, Inc.; Acquisition and Operation Exemption; The Atchison, Topeka and Santa Fe Railway Co.

South Kansas and Oklahoma Railroad, Inc. (SKO), a noncarrier, has filed notice of exemption: (1) To acquire and operate four rail lines owned by The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) in Kansas and Oklahoma; and (2) to acquire ancillary trackage rights and operate over two connecting Santa Fe lines in Kansas. The six lines extend a total of approximately 286.77 miles.

The four lines to be acquired are as follows: (1) The Tulsa Subdivision, between milepost 108+2,185 feet, near Iola, KS, and milepost 90+1,853 feet, at Tulsa, OK; (2) the Coffeyville Subdivision, between the connection with the Tulsa Subdivision at milepost 0+0 feet, at or near Cherryvale, KS, and milepost 18+72 feet, at or near Coffeyville, KS; (3) that segment of the Moline Subdivision between the connection with the Tulsa Subdivision at milepost 127.7, at or near Chanute, KS, and milepost 246+2,640 feet, at or near Winfield, KS; and (4) that segment of the Moline Subdivision between milepost 248+1,296 feet, near W. N. Junction, KS, and milepost 266+1,780 feet, at or near Wellington, KS.

The lines over which SKO will acquire ancillary trackage rights are: (1) Between milepost 246+2,640 feet, at or near Winfield, and milepost 248+1,296 feet, near W. N. Junction; and (2) between milepost 266+1,780 feet, near Wellington, and Santa Fe's Waynoka Subdivision milepost 238+2,331 feet, at Wellington.

The transaction was expected to be consummated on or shortly after December 27, 1990.

Any comments must be filed with the Commission and served on: A.J. Wachter, Wilbert and Towner, P.A., P.O. Box V, 506 North Pine, Pittsburg, KS 66762.

SKO shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a

petition to revoke will not automatically stay the transaction.

Decided: January 4, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–583 Filed 1–9–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances Application; Stanford Seed Co.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on August 7, 1990, Stanford Seed Company, 340 South Muddy Creek Road, Denver, PA 17517, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360) a basic class of controlled substance in Schedule I. This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than February 11, 1991.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: December 27, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91–496 Filed 1–9–91; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Immigration Nursing Relief Advisory Committee; Establishment

In accordance with the provisions of the Federal Advisory Committee Act, and after consultation with the General Services Administration, the Secretary of Labor has determined that the establishment of the Immigration Nursing Relief Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by Public Law 101–238, Immigration Nursing Relief Act of 1989.

The Committee will advise the Secretary of Labor on the effectiveness of the Immigration Nursing Relief Act of 1989 (INRA) and on needed changes to that legislation. The Committee will use its expertise to assess: The impact of the INRA on the nursing shortage; programs that medical institutions implement to recruit and retain nurses who are U.S. citizens, or immigrants authorized to perform nursing services; the formulation of State recruitment and retention plans under the INRA; and the advisability of extending the provisions of INRA beyond the 5-year period specified in the Act.

In carrying out its duties, the Committee will:

1. Design and implement effective evaluation methodologies to measure the impact of immigrant nurse employment on retention rates, wages and working conditions of U.S. nurses.

2. Identify and evaluate innovative programs designed to retain and attract greater numbers of U.S. citizens into the nursing profession.

3. Analyze and assess appropriate levels of continued immigrant nurse employment through evaluation of qualifications as well as length of continued employment in the nursing profession once granted immigration under INRA.

The Committee will require up to four years to carry out its assignment and will report its findings to the Secretary of Labor. During the course of the Committee's work, the Secretary of Labor will consult with the Secretary of Health and Human Services, reviewing the Committee's progress and soliciting ideas and insights on issues relevant to retention and increased employment of U.S. registered nurses. The Secretary of Labor will share the Committee's preliminary findings and recommendations with and solicit advice from the Secretary of Health and Human Services and the Attorney General.

The Committee will convene two times per year. The Office of the Assistant Secretary for Policy of the Department will provide the necessary support for the Committee.

The Committee will include representatives of Health and Human Services, the Attorney General, hospitals, labor organizations representing registered nurses, and other pertinent organizations. Members not employed by the Federal Government shall not be compensated but may be reimbursed for travel expenses, subsistence and accommodations as allowed by current regulations. These members shall not be deemed to be employees of the United States.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act fifteen (15) days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Immigration Nursing Relief Advisory Committee. Such comments should be addressed to: Mr. Gary B. Reed, Director, Office of Program Economics, U.S. Department of Labor, 200 Constitution Avenue, NW., room S–2114, Washington, DC 20210, Telephone: (202) 523–6026.

Signed at Washington, DC this 14th day of December, 1990.

Roderick A. DeArment,

Acting Secretary of Labor.

[FR Doc. 91–491 Filed 1–9–91; 8:45 am]

BILLING CODE 4510–13–M

Employment and Training Administration

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The addresses of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the attestation process: Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202–535–0163 (this is not a toll-free number).

Regarding the complaint process: Chief, Farm Labor Programs, Wage and Hour Division. Telephone: 202–523–7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H–1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1182(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029 (and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 4th day of January, 1991.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS 12/24/90 TO 12/28/90

[Total 11]

CEO–Name	Phone	Facility name	State	Approval date
Mr. Randall O'Donnel	501–320–1398	Arkansas Children's Hospital, 800 Marshall Street, Little Rock, Arkansas 72202.	AR	12/27/90
Ronald C. Phelps	213–836–7000	Brothman Medical Center, 2838 Delmas Terrace, Culver City, California 90232.	CA	12/27/90
Leonard Labella	213–319–4000	Santa Monica Hospital Medical, 1250 16th Street, Santa Monica, California 90404.	CA	12/27/90
Mr. John J. Meehan	203–524–3011	Hartford Hosp., 80 Seymour Street, Hartford, CT 06115	CT	12/27/90
Mr. Mark Chastang	202–675–5465	Dis. of Col. Gen. Hosp., 19th & Mass. Ave., S.E., Washington, DC 2003.	DC	12/27/90
Mr. J. Daniel Miller	813–863–2411	HCA Bayonet Point/Hudson Med., 14000 Fivay Road, Hudson, Florida 34667.	FL	12/27/90
Mr. Andrew Orange, J	813–845–9117	HCA New Port Richey Hosp. Med., 205 High Street, New Port Richey, Florida 34656.	FL	12/27/90
Ms. Marianne Araujo	312–567–2000	Mercy Hosp. and Med. Ctr., Stevenson Exwy. at King Dr., Chicago, IL 60616.	IL	12/27/90
Ms. Lucia Lariosa	708–679–4161	Skokie Meadows Nursing Ctrs., 9615 N. Knox Ave., Skokie, IL 60076.	IL	12/28/90
Mr. Mark D. Pitta	201–240–8007	Community Med. Ctr., 99 Highway 37 West, Toms River, NJ 08755.	NJ	12/28/90
Mr. Harold L. Light	718–780–1968	The Long Island College Hosp., 340 Henry Street, Brooklyn, New York 11201.	NY	12/28/90

[FR Doc. 91–490 Filed 1–9–91; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for expedited clearance, by January 11, 1991, of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before January 14, 1991.

ADDRESSES: Send comments to Mr. Dan Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202–395–7316) and Mr. Larry Baden, Grants Officer, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., room 204, Washington, DC 20506; (202–682–5403).

FOR FURTHER INFORMATION CONTACT: Mr. Larry Baden, Grants Officer, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., room 204, Washington, DC 20506; (202–682–5403), from whom copies of the applicable information are available.

SUPPLEMENTARY INFORMATION: The Endowment requests a review of a new collection of information. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

In compliance with changes to the Endowment's enabling legislation, organizational grantees of the National Endowment for the Arts may be required to submit a progress (interim) report before the Endowment may release the final portion of the grant award amount. The cash request form (Request for Advance or Reimbursement) has been modified to enable grantees to provide the progress report information directly on this form. A copy of the cash request form appears below.

BILLING CODE 7547-01-M

Mail directly to: Grants Office, Cash Request Section
National Endowment for the Arts
Washington, DC 20506

Request for Advance or Reimbursement (Long Form)

1. National Endowment for the Arts	2. Grant No. ___ - _____ - _____
3. Type of Payment Requested a. ☐ Advance b. ☐ Final ☐ Reimbursement ☐ Partial	4. Basis of Request ☐ Cash ☐ Accrued Expenditures 5. Payment Request Number
6. Grantee Identifying No.	7. Period Covered by this Request From month day year To month day year
8. Name of Grantee Organization Street Number and Name City State Zip Code	9. Name of Payee (if different from item 8) Street Number and Name City State Zip Code

10. Computation of Amount Requested		11. REMINDERS
a. Total grant outlays to date (As of date)	$	a. AUTHORIZING OFFICIAL: This form must be signed by an authorizing official who either signed the original application or has a signature authorization form on file; submit an updated signature authorization form if necessary.
b. Estimated net cash outlays needed for advance period		
c. Total of lines a and b		b. LABOR ASSURANCE FORM: This form must be submitted with your initial request for payment.
d. Non-Endowment share of amount on Line c		
e. Endowment share of amount on Line c (Line c minus Line d)		c. PROGRESS REPORT: A progress report will be submitted only once during the grant period. Please complete item 11c the first time the cumulative amount requested exceeds two-thirds of the grant amount. The Reporting Requirement document, included in your grant award package, contains guidance on the content of this report.
f. Endowment payments previously received		
g. Endowment share now requested (Line e minus Line f)		

11c. **PROGRESS REPORT INFORMATION** (Please type).

DRAFT

12. To the best of my knowledge and belief the data reported above are correct and all outlays were made in accordance with grant conditions. Payment is due and has not been previously requested.

Signature of Authorizing Official (See definition above) Date

Typed Name Typed Title Area Code No. Ext.

13. FOR WIRE TRANSFER, TYPE THE FOLLOWING:
Name of Bank _____
City/State _____
ABA # __ __ __ __ - __ __ __ __ - __
Bank Account Number _____
FOR FURTHER WIRE TO: (If Applicable)
Name of Bank _____
City/State _____
Bank Account Number _____

For Agency Use Only

GO Reviewer: _____ _____
Initials/Date Release Date

PO Approval: _____
Initials/Date

_____
Print Name

ORIGINAL - GRANTS OFFICE; COPY 1 - PROGRAM OFFICE; COPY 2 - GRANTS OFFICE; COPY 3 - GRANTEE

Title: Request for Advance or Reimbursement (Long Form).

Frequency of Collection: Generally once during a grant period.

Respondents: Endowment organizational grantees required to submit progress (interim) reports.

Use: Grant administration and oversight.

Estimated Number of Respondents: 1400.

Average Burden Hours per Response: 1.

Total Estimated Burden: 1400.

Cynthia Rand,

Deputy Chairman for Management.

[FR Doc. 91–591 Filed 1–9–91; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cooperative Agreements for Arts Education Dissemination Strategies

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement to support the research and design of strategies for the pro-active, national dissemination of examples of excellent arts in education projects and programs. The product of this Cooperative Agreement will be a feasibility study including: Criteria to be used to define excellent arts in education projects and programs; review and selection procedures; evaluation procedures; cost estimates; and, active dissemination strategies. Those interested in receiving the Solicitation package should reference Program Solicitation PS 91–05 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 91–05 is scheduled for release approximately January 28, 1991 with proposals due February 28, 1991.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Contracts Division, room 217, 1100 Pennsylvania Ave., NW., Washington, DC 20506.

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 91–571 Filed 1–9–91; 8:45 am]

BILLING CODE 7537–01–M

Meeting; Media Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening Section) to the National Council on the Arts will be held on January 29–30, 1991 from 9 a.m.–6:30 p.m. and January 31 from 9 a.m.–6 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, as amended, these sessions will be closed to the public pursuant to subsections (c)(4), and (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: January 2, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–575 Filed 1–9–91; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Commonwealth Edison Co.; Issuance of Environmental Assessment and Finding of No Significant Impact; Quad Cities Nuclear Station, Units 1 and 2

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–29 and DPR–30 issued to Commonwealth Edison Company (the licensee), for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would consist of a change to the Operating Licenses to extend the expiration date of the Operating Licenses to December 14, 2012 for Quad Cities, Units 1 and 2, from February 15, 2007. The proposed license amendment is responsive to the licensee's application dated November 30, 1989. The Commission's staff has prepared an Environmental Assessment of the proposed actions, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Change in Expiration Date of Facility Operating License Nos. DPR–29 and DPR–30, Commonwealth Edison Co.; Quad Cities Nuclear Power Station, Units 1 and 2, Docket Nos. 50–254 and 50–265", dated December 27, 1990.

Summary of Environmental Assessment

The Commission's staff has reviewed the potential environmental impact of the proposed change in the expiration date of the Operating Licenses for the Quad Cities Nuclear Power Station, Units 1 and 2. This evaluation considered the previous environmental studies, including the Final Environmental Statement (FES), for the Quad Cities Station dated September 1972, and more recent data and NRC policy.

Radiological Impacts

The staff concludes that the Exclusion Area, the Low Population Zone and the nearest population center distances will likely be unchanged from those described in the September 1972 FES. Quad Cities is located in a relatively low populated area. Current projections of population within the 5-mile, 10-mile and 50-mile radius of the station are lower than the projection in the FES dated September 1972. 1990 population projections for the 5-mile radius were 5,489 which is less than the estimated 6,227 projection for 1990 in the FES. Current population estimates for the 50-mile radius in the year 2000 are 807,087, less than that projected in the FES. Furthermore, the population for the city of Clinton, Iowa (located approximately 7 miles north of the Quad Cities Station) has actually decreased from 43,419 in 1970 to 32,828 in 1980. Additionally, the census population estimates for Clinton estimates a population of 29,630 in 1988 and 27,930 in 2000.

The additional period of plant operation would not significantly affect the probability or consequences of any reactor accident. Station radiological effluents to restricted areas during

normal operation have been well within Commission regulations regarding as low as reasonably achievable (ALARA) limits, and are indicative of future releases. The proposed additional years of reactor operation do not increase the annual public risk from reactor operation.

With regard to normal plant operation, the occupational exposures for the Quad Cities Nuclear Station have closely followed the national average for boiling water reactors. The licensee is striving for dose reductions in accordance with ALARA principles and the staff expects further reductions to be achieved using advanced technologies and equipment that will likely be available.

Accordingly, annual radiological impacts on man, both offsite and onsite, are not more severe than previously estimated in the FES, and our previous cost-benefit conclusions remain valid.

The environmental impacts attributable to transportation of fuel to, and waste from, the Quad Cities Nuclear Station, with respect to normal conditions of transport and possible accidents in transport, would be bounded as set forth in Summary Table S-4 of 10 CFR 51.52. The values in Table S-4 would continue to represent the contribution of transportation to the environmental costs associated with plant operation.

Non-Radiological Impacts

The Commission has concluded that the proposed extension will not cause a significant increase in the impact to the environment and will not change any conclusions reached by the Commission in the FES.

Finding of No Significant Impact

The Commission has reviewed the proposed change to the expiration dates of the Quad Cities Nuclear Station, Units 1 and 2, Facility Operating Licenses relative to the requirements set forth in 10 CFR part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see (1) The application for amendment dated November 30, 1989, (2) the Final Environmental Statement for the Quad Cities Nuclear Power Station, Units 1 and 2, issued September 1972, and (3) the Environmental Assessment dated December 27, 1990. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Rockville, Maryland, this 27th day of December, 1990.

For the Nuclear Regulatory Commission.

RIchard J. Barrett,

Director, Project Directorate III-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-585 Filed 1-9-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to GPU Nuclear Corporation, et al. (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

Environment Assessment

Identification of Proposed Action

The amendment would revise the Technical Specifications (TS) to accommodate implementation of a 21-month operating cycle with a 3-month outage or a 24-month plant refueling cycle for Technical Specification surveillances for certain systems and equipment. Since the individual surveillances are affected by the proposed change to the refueling outage definition, Technical Specification Definition 1.12, Refueling Outage is revised to specify that refueling outage tests or surveillances shall be performed at least once per 24 months.

The proposed amendment is in accordance with GPU Nuclear Corporation's application dated March 2, 1990 as supplemented November 29 and December 21, 1990.

The Need for the Proposed Action

The proposed changes to the Technical Specifications are needed so that surveillance requirements for certain systems and equipment be extended to accommodate a 21-month operating cycle with a 3-month outage or a 24-month plant refueling cycle.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of each of the proposed revisions to the Technical Specifications. The proposed revisions would accommodate implementation of a 21-month operating cycle with a 3-month outage or a 24-month plant refueling cycle for Technical Specifications surveillances for certain systems and equipment. Since the individual surveillances are affected b the proposed change to the refueling outage definition, Technical Specification Definition 1.12, Refueling Outage is revised to specify that refueling outage tests or surveillance shall be performed at least once per 24 months. Oyster Creek is presently on a 20-month refueling cycle.

Based on its review, the Commission concludes that each of the proposed Technical Specification changes are acceptable and, the proposed changes do not increase the probability or consequences of accidents, no changes are being made in the types of any affluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure.

Accordingly, the Commission concludes that these proposed actions would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed changes to the Technical Specifications involve several components in the plant which are located within the restricted area as defined in 10 CFR part 20. They do not affect nonradiological plant effluents and have no other environmental impacts. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed actions, any alternatives with equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources

The action would involve no use of resources not previously considered in the Final Environmental Statement (FES) for the Oyster Creek Nuclear Generating Station dated December 1974.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding No Significant Impact

The staff has determined not to prepare an environmental impact statement for the proposed amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed actions will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated March 2, 1990, as supplemented November 29 and December 21, 1990, which is available for public inspection in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 20555 and the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 4th day of January 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate 1–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–586 Filed 1–9–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423]

Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–49, issued to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit No. 3, located at the licensee's site in New London County, Connecticut.

Environment Assessment

Identification of Proposed Action

By applications for license amendments dated October 25, 1990, November 1, 1990 (with Supplements dated November 2, 1990 and December 4, 1990) and November 30, 1990, the licensee requested changes to the Millstone Unit 3 Technical Specifications (TS) associated with Cycle 4 operation. The applications for license amendments would change the TS associated with the following: (1) Removal of the Autoclosure Interlock (ACI) for the Residual Heat Removal (RHR) System, (2) a core reload involving a modification to the fuel design and revised safety analyses and (3) temperature limits for the spent fuel pool.

The Need for the Proposed Action

The proposed license amendment is needed for start-up and Cycle 4 operation of Millstone Unit 3.

Environmental Impacts of the Proposed Action

With regard to use of the modified fuel, the licensee reanalyzed the radiological consequences of two potential accidents that could have increased radiological consequences. The first accident, the locked rotor accident, was found to have potential radiological consequences that are bounded by the existing design basis accident. The second accident, the fuel handling accident, was found to have potential radiological consequences that are bounded by the current FSAR referenced calculations.

With regard to removal of the ACI, removal of the RHR ACI function addresses Commission concerns regarding the potential for failure of the ACI circuitry to cause inadvertent isolation of the RHR system with subsequent loss of RHR capability during cold shutdown and refueling operation. In addition, this proposed change is consistent with the recommendations of Generic Letter 88–17, "Loss of Decay Heat Removal." The loss of RHR during refueling could have significant offsite radiological consequences.

With regard to temperature limits associated with the SFP, the proposed change allows continued use of existing Cycle 3 specific calculations associated with spent fuel pool cooling and piping systems and pool structure integrity. Thus, no additional environmental consequences are associated with this proposed TS change.

Alternatives to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed amendment; any alternatives to the amendment would have either essentially the same or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources different from or beyond the scope of resources used during normal plant operation, which were assessed in the Final Environmental Statement relating to plant operation, dated December 1984 (NUREG–1064).

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's requests that support the proposed amendment. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the applications for license amendment dated October 25, 1990, November 1, 1990 (with Supplements dated November 2, 1990 and December 4, 1990) and November 30, 1990. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland this 4th day of January 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–587 Filed 1–9–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Company, et al.; Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment of Facility Operating License No. DPR–66 issued to Duquesne Light Company (the licensee) for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania.

The proposed amendment to the Appendix A Technical Specifications (TSs) would modify certain Limiting Conditions for Operation and Surveillance Requirements to allow for a temporary reduction to the minimum number of operable movable incore-

detector thimbles. The temporary reduction would be applicable only for the remainder of the current operating fuel cycle. Specification 3.3.3.2.a would be modified to allow the minimum number of operable, movable, incore-detector thimbles to be 50 percent of the incore-detector thimbles vice the present value of 75 percent. Surveillance Requirements 4.2.2.2.b, 4.2.2.3, and 4.2.3.2 would be modified to provide for increased uncertainty allowances to account for the reduced minimum operability requirement.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed change does not involve a significant hazards consideration because:

(1) The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)). The proposed changes would incorporate increased uncertainty factors to be applied to the peaking factors when flux mapping is done with less than 75% of the thimbles to compensate for the reduced number of measurements available.

(2) The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)). Adequate margin to the peaking factor limits is available, and the increased compensatory uncertainty factors ensure the limits are not exceeded. Further, there are other means available to assist with monitoring core conditions.

(3) The changes do not involve a significant reduction in a margin of safety (20 CFR 50.92(c)(3)) because no plant set points are affected, and the compensatory increased measurement uncertainty factors assure core conditions will be adequately monitored.

Therefore, based on the above consideration, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications. Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room (P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 11, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petition shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the

hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 4th day of January 1991.

For the Nuclear Regulatory Commission.

Albert W. De Agazio,

Senior Project Manager, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–588 Filed 1–9–91; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 138 and Amendment No. 133 to Facility Operating License Nos. DPR–31 and DPR–41, respectively, issued to the Florida Power and Light Company (the licensee), which revised the Technical Specifications for operation of the Turkey Point Plant, Units 3 and 4, located in Dade County, Florida. The amendments were effective as of the date of issuance.

The amendments modified the Technical Specifications to accommodate changes made to the plant as a result of the Emergency Power System Enhancement Project.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act,) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter 1, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on September 26, 1990 (55 FR 39331). A request for a hearing was filed on October 26, 1990 by Mr. Thomas Saporito and the Nuclear Energy Accountability Project.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards considerations are involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve no significant hazards considerations. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendments have been issued and made immediately effective and any hearing will be held after issuance.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.22(b), an environmental impact statement or environmental assessment need not be prepared in connection with issuance of the amendments.

For further details with respect to the action, see (1) The application for amendments dated July 2, 1990, as supplemented July 3, July 9, July 12, July 23, September 6 and September 28, 1990, (2) Amendment No. 138 and Amendment No. 133 to Facility Operating License Nos. DPR–31 and DPR–41, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention:

Director, Division of Reactor Projects—I/II.

Dated at Rockville, Maryland this 28th day of December 1990.

For the Nuclear Regulatory Commission.

Gordon E. Edison, Sr.,

Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–589 Filed 1–9–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423]

Northeast Nuclear Energy Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–49, issued to Northeast Nuclear Energy Company, et al (the licensee), for operation of the Millstone Nuclear Power Station, Unit 3, located in New London County, Connecticut.

The applications for license amendments would change the Technical Specifications associated with the following: (1) Removal of the Autoclosure Interlock (ACI) for the Residual Heat Removal (RHR) System, (2) a core reload involving a modification to the fuel design and revised safety analyses and (3) temperature limits for the spent fuel pool.

Prior to issue of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 11, 1991, the licensee may file a request for a hearing with respect to issue of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in providing the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated October 25, 1990, November 1, 1990 (with Supplements dated November 2, 1990 and December 4, 1990) and November 30, 1990, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room, the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 4th day of January 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–590 Filed 1–9–91; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, February 14, 1991
Thursday, February 28, 1991
Thursday, March 14, 1991
Thursday, March 28, 1991

The meetings will start at 10:30 a.m. and will be held in room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B)]. These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman of Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street, NW., Washington, DC 20415 (202) 606–1500.

Dated: January 2, 1990.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 91–527 Filed 1–9–91; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel No. 34–28730; File No. SR–NSCC–90–26]

Self-Regulatory Organization; National Securities Clearing Corporation; Proposed Rule Change Relating to Instruments With an Exercise Privilege

January 2, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on December 13, 1990, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NSCC filed the proposed rule change to establish a liability notice procedure for book-entry deliverable instruments with an exercise privilege.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish a liability notice procedure for book-entry deliverable instruments with an exercise privilege, such as the Nikkei 225 Stock Average Index warrants trading on the American Stock Exchange, Inc. [1] Unlike other instruments for which NSCC has liability notice procedures, *e.g.*, convertible securities on securities subject to a tender or exchange offer at a time certain, [2] these instruments are unique because while they have a stated expiration they have the potential to be exercised at any time.

The exercise provisions for most index warrants require delivery of the warrants to the warrant agent on the day of exercise. Currently, a member with a long index warrant position who fails to receive the warrant and is unable to exercise cannot hold anyone liable for the value of the exercise because NSCC's existing Liability Notice procedures are limited to the

[1] The index warrants currently trading clear at NSCC and, with the exception of one series of index warrants issued by the Kingdom of Denmark and underwritten by Goldman, Sachs & Co., are eligible for book-entry settlement at qualified securities depositories.

[2] NSCC Liability Notice procedures attach liability to a failing to deliver member where, because of an expiring event, the failing to receive member is prevented from receiving the benefit of the event. *See* NSCC Procedures, Section X.B.

time period preceding the actual expiration of the warrant. NSCC, at the request of the Reorganization Division of the Securities Industry Association ("SIA"), has developed a procedure that would remedy this deficiency for book-entry deliverable issues.

Under the proposed rule change members who have sold book-entry deliverable index warrants and similar instruments would be advised of their potential liability based on their short positions on the CNS Projection Report starting on T+4. This report would put them on notice that they may be held liable for damages by a member with a long position who is prevented from exercising because of failure to receive the instrument. Members with long positions or long Settling Trade positions [3] who want to exercise must file a Notice of Intention to Exercise ("Notice") with NSCC specifying the number of securities they want to exercise ("Exercise Position").

The day the Notice is filed is referred to as "N". [4] If the Exercise Position remains unfilled after the daytime allocation on N, NSCC will remove the long position from the CNS system before the evening allocation and N+1, [5] and will remove a corresponding short position[s]. representing that member[s] with the oldest short position[s]. On the morning of N+1, NSCC will issue receive and deliver instructions naming a failing to receive member and a failing to deliver member. This ticket will allow a failing to receive member to claim damages from the failing to deliver member for losses that result from his inability to exercise the instrument. If exercises of the instrument and suspended according to th terms of the prospectus, the failing to deliver member's liability for damages to the failing to receive Member would continue and would be established once the exercise occurred, or the liability could be satisfied by delivery of the warrants before exercises resume.

The proposed rule change provides protection to a member with a long position in a security with an exercise privilege against the failure to deliver of a member with a short position in that security without affecting NSCC's ability to safeguard securities and funds in its custody or control. Accordingly, it is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder applicable to NSCC.

B Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Executive Committee of the Reorganization Division of the SIA and the SIA Sub-Committee on Index Warrants endorse the proposal. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC-90-26 and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[FR Doc. 91-506 Filed 1-9-91; 8:45 am]

BILLING CODE 8010-01-M

[3] Settling Trades are the CNS contracts compared and accounted for by the Corporate for which such day is the settlement date. *See* NSCC Rule 1.

[4] NSCC will establish time frames for submission of Notices after consultation with tender agents and will notify Members of the time frames via an Important Notice.

[5] Each day commences in the evening and includes an evening allocation of securities and a daytime allocation.

[Rel. No. 34-28741; No. SR-Amex-90-29]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Restrictions on Competing Dealers.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 5, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend rules 126 and 155, add a definition to its General and Floor Rules and amend its policy regarding its automated routing system in order to specify that orders for the account of competing dealers must yield priority and parity to public orders, are on parity with an order for the account of the Amex specialist, and are prohibited from the Exchange's routing system.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing certain rule amendments that will apply to orders for the accounts of regional stock exchange specialists and market makers and over-the-counter market makers in Amex-traded stocks. The proposal will (1) Define the term "competing dealer" to mean a specialist or a market maker registered as such on a regional stock exchange, or a market maker bidding and offering over-the counter, in an Amex-traded security; (2) amend rule 126 to prohibit members from placing on the Exchange orders for the account of a competing dealer unless the order yields priority and parity to all other off-floor orders; (3) amend rule 155 to provide that a specialist shall not be required to give precedence to, and shall always be on parity with, an order for a competing dealer in the security in which such competing dealer is registered or making a market; (4) require that all orders for the account of a competing dealer be marked as such in a manner to be determined by the Exchange; and (5) prohibit the use of the Exchange's Post Execution Reporting ("PER") system to automatically route orders to the specialist's post for the account of a competing dealer.

The Exchange believes that the proposed rule amendments are necessary to assure that customer orders on the Amex are given priority over all specialists and market makers in Amex-traded securities. Currently, under rule 155, an Amex specialist must give precedence to orders for the account of a competing dealer just as he is required to give precedence to orders for the account of a public customer. This results in the competing dealer in the Amex-traded stock being more willing to buy (or sell) the Amex-traded stock at a particular price knowing that they can in turn sell (or buy) the same stock on the Amex ahead of the Amex specialist and on many occasions ahead of public customers. The Exchange's proposed rules will place restrictions on a competing dealer's ability to trade ahead of the specialist and customer by requiring orders for the account of a competing dealer to yield priority and parity to all other off-floor orders and to be placed on parity with the specialist. In addition, the Exchange's proposal to prohibit the use of the PER system to route orders for the account of a competing dealer will bring the rules regarding access to the Amex's automated system more in line with those used by the automated routing and execution systems at the regional exchanges which prohibit the entry of professional orders into their systems.

The proposed rule amendments also will bring the Exchange's rules into line with certain of the regional exchanges, which place other restrictions on professional orders (generally defined as orders for the account of a broker/dealer or an affiliate). For example, the Pacific Stock Exchange ("PSE") provides in rule 5.36(f) that public customer orders on a specialist's book shall have priority and precedence over all professional orders,[1] and the Midwest Stock Exchange's ("MSE") specialists are not required to accept professional orders for placement on the specialist's book.[2]

2. Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[1] PSE rule 5.36(f) provides that public orders in the book shall at all times have priority and precedence over principal orders in the book at the same or inferior prices.

[2] See MSE Rules of the Board of Governors, article XXX, rule 2 which provides that Exchange specialists must give precedence to orders in the book for purchase or sale of securities over the orders which originate with him or it as a dealer, provided that his or its orders and those of his or its customers are market orders, or limited orders at that same price. *See also* MSE Rules of the Board of Governors, Article XX, rule 37 which provides that the MSE Guaranteed Execution System (the BEST system) shall be available to member firms and, where applicable, to members of a participating exchange who send orders to the Floor through the Intermarket Trading System for securities which are traded in the Dual Trading System and NASDAQ/NMS securities. Rule 37.1 provides that specialists must accept and guarantee execution on all agency orders other than limit orders in NASDAQ/NMS securities from 100 up to and including 2099 shares in accordance with this rule.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-90-29 and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-505-Filed 1-9-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28740; No. SR-Amex-90-35]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to the Annual Fee or Listed Company Equity Issues

Pursuant to section 19(b)(1) of the Securities Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on

December 19, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the annual fee imposed on listed company equity issues. The schedule of fee increases is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to increase the annual fee imposed on listed company equity issues. The annual fee for stocks, with separate categories based on the number of outstanding shares, would be increased in 1991, the minimum fee increasing from $4,500 to $5,500 and the maximum fee increasing from $12,500 to $13,500, with each category increasing by $500 from the minimum level of $5,500 to the maximum level of $13,500.

The annual fee was last increased in 1988. The new fee level will keep the Exchange competitive with other equity exchanges offering similar services.

2. Basis

The proposed Exchange fee increase is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(4) in particular in that it is intended to assure the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using the Exchange's facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange fee increase will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the Exchange fee increase.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the subcommission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-90-35 and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1991

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-507 Filed 1-9-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28739; File No. SR-BSE-90-19]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc. Relating to the Composition of its Audit Committees

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 21, 1990, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article VII, section 6 of its Constitution in order to change the composition of its Audit Committee.

The text of the proposed rule change is available at the Office of the Secretary, BSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] On December 7, 1990, the Exchange submitted to the Commission an amendment to the proposal, see letter from Karen A. Aluise, Regulatory Review Specialist, BSE, to Mary Revell, Branch Chief, Commission, dated December 5, 1990. The amendment made minor language changes to the proposal which clarified the BSE's requirements for Audit Committee membership.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to revise the composition of the Audit Committee [2] in order to provide that all members of the committee must be independent of management and free from a relationship that, in the opinion of the Board, would interfere with the exercise of independent judgment. In addition, the BSE proposes to increase the number of committee members from three to four.

The statutory basis for the proposed rule change is section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The BSE Board of Governors approved the proposed amendment to the Constitution on October 23, 1990. The Exchange notified its membership of the proposal and received no comments on the proposed amendment.[3]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR-BSE-90-19 and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-508 Filed 1-9-91; 8:45 am]

BILLING CODE 8010-01-M

[2] Article VII, section 6 of the BSE Constitution authorizes the Audit Committee to review and recommend to the Board the selection of independent auditors; review the scope and extent of the auditors' examination, the auditors' procedures, and the results of the independent audit; oversee the system of internal accounting controls; and supervise investigations into any matter within the scope of its duties.

[3] Article XXIV, section 1 of the BSE Constitution provides that any amendment to the Constitution which is adopted by the Board of Governors shall be submitted to the Exchange members. If the amendment is not protested by fifteen Exchange members prior to the expiration of the seventh business day after the date of delivery or mailing of the proposed amendment, then the amendment is deemed approved.

[Rel. No. 34-28738; File No. SR-CBOE-90-32]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Long-Term Equity Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 28, 1990, the Chicago Board Options Exchange ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change form interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to modify Exchange Rule 5.8 to provide for the listing of long-term options that expire up to 39 months from the date of issuance for all products other than index options. Currently, the CBOE may list long-term options having up to 24 months to expiration. The Exchange also proposes to allow long-term options to be listed with up to six different expiration months.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The CBOE currently trades long-term equity options that expire 24 months from the date of issuance ("LEAPS [1]"). The Exchange states that the trading level in those options has been promising. Accordingly, the Exchange believes that the listing of long-term options that expire 39 months from the date of issuance would particularly fit the needs of retail investors. The Exchange further believes that the increase to six expiration months from four will not result in the listing of a myriad of expiration months and strike prices. The two additional expiration months will allow the Exchange to list options with two expirations between 25 and 39 months, in addition to the four potential expirations between 12 to 24 months. The Exchange also states that it

[1] LEAPS is an acronym for Long-Term Equity Anticipation Securities.

will not list more than two expirations between 25 and 39 months.

Further, the Exchange intends to list new expiration months for all long-term equity options at one time. Specifically, the Exchange intends to list one additional far term month for each option, but the expiration month chosen will be determined by the expiration cycle of the underlying security. For example, in January 1991, the Exchange intends to list long-term options with January, February or March 1994 expirations, depending on the expiration cycle of the underlying security. Then in July 1991, the Exchange intends to list long-term options with July, August or September 1994 expirations.

In addition, the Exchange intends to list long-term options on a day other than the Monday following the Friday on which the near-term month expires.[2] The Exchange further intends to list all long-term equity options on one day, a date chosen by the Exchange. The Exchange states that these two modifications are to satisfy the requests of member firms to assist them in simplifying the introduction of LEAPS to potential investors. The Exchange believes that by listing all three-year LEAPS at one time, investors will be given a wider choice of investments.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it will facilitate transactions in securities and protect investors and the public interest while promoting just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Dated: January 3, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-509 Filed 1-9-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28737 International Series Rel. No. 217; File No. SR-PHLX-90-12]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Trading of Options on Three Cross-Rate Currencies

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 26, 1990, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX hereby submits, pursuant to Rule 19b-4 of the Act, a proposed rule change to enable the Exchange to trade options on three cross-rate currencies, specifically, the German mark/Japanese yen ("DM/YN"), British pound/German mark ("BP/DM") and British pound/Japanese yen ("BP/YN"). These options will be traded pursuant to PHLX rules governing the trading of foreign currency options. In order to list these options on cross-rate currencies, the PHLX is proposing to amend its rules 1009(d), 1014(c) and 1034, regarding listing standards, quote spread parameters and minimum fractional changes in options prices, respectively. A copy of the specific rule change and the contract specifications for the proposed cross-rate options can be obtained from the Office of the Secretary, PHLX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX is proposing to list cross-rate currency options priced and settled in a specified foreign currency, rather than the traditional U.S. dollar-based currency options.

On December 10, 1982, the PHLX commenced trading options on the British pound, launching a program that has since been expanded to include seven other foreign currencies: (1) Japanese yen; (2) Swiss franc; (3)

[2] The Exchange currently lists new expiration months for options on an underlying security on the Monday following the date on which the options series in the near term month for that underlying security has expired.

[3] 17 CFR 200.30-3(a)(12) (1990).

German mark; (4) French franc; (5) European currency unit; (6) Canadian dollar; and (7) Australian dollar. Foreign currency options provide a strategic investment tool for sophisticated retail options customers, multinational corporations and proprietary traders who manage and hedge foreign currency risk exposure. Specifically, multinational corporations utilize foreign currency options to hedge cash flow, such as income royalties and licensing payments, denominated in foreign currencies. Additionally, banking institutions trade foreign currency options to hedge risk of trading in the foreign currency cash and forward markets.

Responding to the demands of sophisticated investors, the PHLX recognizes that the international financial market is increasingly no longer exclusively focused on the U.S. dollar, which had prompted the PHLX's U.S. dollar-based currency options. Accordingly, the PHLX is going one step further in responding to world demand for non-U.S. dollar denominated contracts by introducing cross-rate foreign currency options. This demand has been spawned by recent large fluctuations and dramatic increases in volatility levels for cross-rate options. This new interest in non-U.S. dollar denominated currency options may also be attributed to a decline in the "reserve" status of the U.S. dollar, as well as investment opportunities arising throughout Europe and developing Pacific Rim countries.

In addition, because the proposed "cross-rate" options will be priced and settled in a specified foreign currency, market participants may have to evaluate the potential currency risk incurred by obligating themselves to pay, receive and hold premiums denominated in Japanese yen, German marks or British pounds. As a practical matter, the PHLX already trades "cross-rate" options, since each of the PHLX's foreign currency options presently listed and traded, are effectively a cross-rate between that currency and, implicitly, the U.S. dollar. This proposed rule change builds upon the experience gained over the past seven years of trading in U.S. dollar-settled foreign currency options by responding to investor needs for a listed cross-rate foreign currency options market. The proposal offers three cross-rate currencies to be traded: German mark/Japanese yen, British pound/German mark and British pound/Japanese yen. Each involves substantially similar principles and risks as the presently traded U.S. dollar-settled foreign currency options.

The outstanding features of cross-rate currency options are that they are based on the exchange rate between two foreign currencies, not the U.S. dollar. For example, a DM/JY cross-rate is an options on the relationship between the Japanese yen and the German mark, which fluctuates without reference to the value of the U.S. dollar respecting those currencies. Similarly, a BP/DM cross-rate is an option on the relationship between the British pound and the German mark. The PHLX submits this proposal to list three cross-rate options, and proposes that any additional cross-rate options be filed separately with the Commission pursuant to Rule 19b–4.

The PHLX notes that cross-rate currency options are not a new investment security as an active over-the-counter market exists in the U.S. and worldwide. In order to remain competitive, the PHLX seeks to provide market participants with the benefits only a listed currency options market offers, such as the assurances of a regulated market center, liquid auction markets, posted market quotations featuring standardized contract specifications and procedures for clearance and settlement with the guarantee of the Options Clearing Corporation ("OCC") to all investors.

In order to trade options on cross-rate currencies, amendments to the PHLX listing standards in Rule 1009, quote spread parameters in Rule 1014 and minimum tick fluctuations in Rule 1034 are proposed.

The PHLX believes the proposed rule change is consistent with section 6(b)(5) of the Act which provides, in part, that the rules of the Exchange be designed to promote the mechanism of a free and open market and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–510 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17936; 811–4501]

Alpine Income Shares, Inc.; Application for Deregistration

January 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Alpine Income Shares, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on December 21, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 30, 1991 and should be accompanied by proof of service on applicant, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, One Battery Park Plaza, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation)..

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant was organized as a Maryland Corporation and is registered as an open-end diversified management investment company under the Act. On November 26, 1985, applicant filed a notification of registration on Form N–8A. On March 3, 1985, applicant filed a registration statement pursuant to section 8(b) of the Act. Applicant filed no registration statements pursuant to the Securities Act of 1933.

2. At a meeting held on September 25, 1990, applicant's board of directors adopted a plan of liquidation and dissolution. Applicant's shareholders unanimously approved the plan of liquidation at a special meeting held on December 4, 1990. On December 18, 1990, applicant's total net assets were $28,187,510.03, or $10.13 per share. The liquidating distribution took place on December 19, 1990 at $10.13 per share.

3. Liquidation expenses of $27,765.54 were borne by applicant.

4. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–511 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act, Rel. No. 17933; International Series, Rel. No. 218; 812–7664]

The BOING Germany Performance Fund, Inc.; Application

January 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: The BOING Germany Performance Fund, Inc.

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from the provisions of section 12(d)(3) and Rule 12d3–1.

SUMMARY OF APPLICATION: Applicant seeks a conditional order permitting it to invest in equity and convertible debt securities of foreign issuers that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter, or investment adviser ("foreign securities companies") in accordance with the conditions of the proposed amendments to Rule 12d3–1.

FILING DATE: The application was filed on December 24, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 30, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, Staff Attorney, at (202) 272–3043, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a non-diversified closed-end management investment company registered under the Act. BOING European Capital Management, Inc. acts as investment adviser to applicant.

2. Applicant seeks to be able to diversify its portfolio further by being permitted to invest in foreign issuers that, in their most recent fiscal year, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter, or investment adviser.

3. Applicant seeks relief from section 12(d)(3) of the Act and Rule 12d3–1 thereunder to invest in securities of foreign securities companies to the extent allowed in the proposed amendments to Rule 12d3–1. See Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989). Proposed amended Rule 12d3–1 would, among other things, facilitate the acquisition by applicant of equity securities issued by foreign securities companies. Applicant's proposed acquisitions of securities issued by foreign securities companies will satisfy each of the requirements of proposed amended Rule 12d3–1.

Applicant's Legal Conclusions

1. Section 12(d)(3) of the Act prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3–1 under the Act provides an exemption from Section 12(d)(3) for investment companies acquiring securities of an issuer that derived more than 15% of its gross revenues in its most recent fiscal year from securities-related activities, provided the acquisitions satisfy certain conditions set forth in the rule. Subparagraph (b)(4) of Rule 12d3–1 provides that "any equity security of the issuer * * * [must be] 'margin security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." "Margin security" status is, generally speaking,

available only to securities traded in United States markets.[1] Accordingly, applicant seeks an exemption from the margin security" requirement of Rule 12d3–1.

2. Proposed amended Rule 12d3–1 provides that the "margin security" requirement would be excused if the acquiring company purchases the equity securities of foreign securities companies that meet criteria comparable to those applicable to equity securities of United States securities-related businesses. The criteria, as set forth in the proposed amendments, "are based particularly on the policies that underlie the requirements for inclusion on the list of over-the-counter margin stocks." Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989).

Applicant's Condition

Applicant agrees to the following condition in connection with the relief requested:

Applicant will comply with the provisions of the proposed amendments to Rule 12d3–1 (Investment Company Act Release No. 17096 (Aug. 3, 1989); 54 FR 33027 (Aug. 11, 1989)), and as such amendments may be reproposed, adopted, or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–502 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17934; 811–4272]

Crusader Income Shares, Inc.; Application for Deregistration

January 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Crusader Income Shares, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on December 21, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 30, 1991 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, 20549. Applicant, One Battery Park Plaza, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant was organized as a Maryland Corporation and is registered as an open-end diversified management investment company under the Act. On March 27, 1985, applicant filed a notification of registration on Form N–8A. On June 27, 1985, applicant filed a registration statement pursuant to section 8(b) of the Act. Applicant filed no registration statements pursuant to the Securities Act of 1933.

2. At a meeting held on October 24, 1990, applicant's board of directors adopted a plan of liquidation and dissolution. Applicant's shareholders approved the plan of liquidation and dissolution at a special meeting held on December 4, 1990. On December 18, 1990, applicant's total net assets were $66,293,369.79, or $10,18 per share. The liquidating distribution took place on December 19, 1990 at $10.18 per share.

3. Liquidation expenses of $31,698.29 were borne by applicant.

4. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–512 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17930; 811–2848]

First Investors Qualified Dividend Fund, Inc.; Notice of Application

January 2, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: First Investors Qualified Dividend Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application on Form N–8F was filed on November 13, 1990, and amended on December 14, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 95 Wall Street, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, Staff Attorney, at (202) 272–3043, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

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[1] The staff of the Division of Investment Management notes that the Board of Governors of the Federal Reserve System recently amended Regulation T to include "foreign margin stock[s]." However, because the requirements for inclusion on the Board's "List of Foreign Margin Stocks" are generally more restrictive than the requirements for a "margin security" traded in United States markets, securities issued by many foreign securities firms are not included in the definition of "foreign margin stocks" under Regulation T. See 12 CFR 220.2 (i) and (q)(6).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company. On August 25, 1978, applicant filed a registration statement on Form N–1 under the Securities Act of 1933 with respect to an indefinite number of shares of common stock, which registration statement became effective on September 19, 1983.

2. Applicant was incorporated in Nevada on July 5, 1978, under the name First Investors Adjustable Preferred Fund, Inc. On April 22, 1987, applicant's name was changed to First Investors Qualified Dividend Fund, Inc.

3. During 1989, applicant experienced significant redemptions of its shares. On December 21, 1989, the board of directors of applicant requested management to contact applicant's shareholders in writing to advise them that it would be in their best interest to voluntarily redeem their shares. Applicant's annual report for the fiscal year ended December 31, 1989, and a letter dated March 14, 1990, that was sent to all of applicant's shareholders, encouraged shareholders to redeem their shares of applicant.

4. In furtherance of the board's desire to liquidate applicant and pursuant to applicant's Articles of Incorporation and Prospectus, shareholders having accounts with fewer than 1,000 shares were sent written notification on April 25, 1990, that their accounts would be fully liquidated in 60 days (the close of business on June 25, 1990). After such liquidation, application had no shareholders.

5. Applicant has not retained any assets and does not have any debt or other liabilities outstanding. Applicant is not a party to any litigation or administrative proceeding. There are no security holders of applicant. Applicant is not engaged in and does not propose to engage in any activities other than those related to its dissolution.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–503 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17932; 812–7493]

John Hancock Bond Trust et al.; Application

January 2, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: John Hancock Bond Trust, John Hancock U.S. Government Securities Trust, John Hancock Tax-Exempt Income Trust, John Hancock Cash Management Trust, John Hancock Asset Allocation Trust, John Hancock Special Equities Trust, John Hancock U.S. Government Guaranteed Mortgages Trust, John Hancock Global Trust, John Hancock High Income Trust, John Hancock Tax-Exempt Series Trust, John Hancock World Trust, and John Hancock Growth Trust, registered open-end management investment companies, and John Hancock Investors Trust and John Hancock Income Securities Trust, registered closed-end management investment companies, and on behalf of all registered investment companies for which John Hancock Advisers, Inc. may in the future serve as investment adviser (together, the "Funds"), and John Hancock Advisers, Inc.

RELEVANT ACT SECTIONS: Applicants seek an order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order permitting the Funds to deposit their daily uninvested cash balances into a single joint account to be used to enter into one or more large repurchase agreements.

FILING DATES: The application was filed on March 9, 1990, and amended on October 17 and December 5, 1990.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 28, 1991. Request a hearing in writing, giving the nature of your interest, the reason for the request, and issues you contest. Serve the Applicants with the request, personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, John Hancock Bond Trust *et al.* c/o Thomas H. Drohan, John Hancock Advisers, Inc., 101 Huntington Avenue, Boston, MA 02199–7603.

FOR FURTHER INFORMATION CONTACT: Brion R. Thompson, Special Counsel, at (202) 272–3567 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Funds are investment companies registered under the Act. Each of the Funds has entered into an investment advisory contract with John Hancock Advisers, Inc. (the "Adviser").

2. Each of the Funds which is presently authorized to invest in repurchase agreements has established certain systems and standards that comply with the requirements regarding repurchase agreements set forth by the SEC in its published releases, guidelines and interpretations.

3. Each Fund from time to time has, or may be expected to have, uninvested cash balances in its account at its custodian bank which would otherwise not be invested in portfolio securities. Generally, a portion of such assets of the Funds which are authorized to do so are invested in overnight repurchase agreements with banks or broker dealers; they may also be invested, where authorized, in short-term money market securities, or other short-term investments authorized by each Fund's investment policies.

4. Each repurchase agreement is made by calling a United States bank, a non-bank primary government securities dealer or a major brokerage house and indicating the rate of interest and size of the desired repurchase agreement. Particular U.S. Government obligations to be held as collateral would be then identified and the Fund's custodian bank would be notified, and the securities would either be wired to the account of the custodian bank at the proper Federal Reserve Bank, transferred to a sub-custodian account of the Fund at another qualified bank or redesignated and segregated on the records of the custodian bank if the custodian bank is already the recorded holder of the collateral for the repurchase agreement. Currently each such Fund separately pursues, secures and implements such investments, resulting in certain inefficiencies and increased costs and limiting the return

which some or all of the Funds could otherwise achieve.

5. The Funds propose to establish a single joint account for the purpose of allowing those Funds authorized to do so to engage in repurchase agreements. In the event that one or more of the Funds and any future investment companies for which the Adviser serves as investment adviser should at any time in the future use different custodians, it is proposed that the Funds be permitted to operate a joint account at one such custodian. Each Fund would transfer a portion of its remaining uninvested cash into the joint account. The joint account would not be distinguishable from any other account maintained by a Fund with the custodian bank on the commingled basis. The account would not have any separate existence which would have indicia of a separate legal entity. The sole function of this account would be to provide individual daily transactions for each Fund necessary to manage their respective daily uninvested cash balances. A Fund's investments in the joint account will not be subject to the claims of creditors, whether brought in bankruptcy, insolvency or other legal proceedings, or of any other participant Fund in the joint account. Each Fund's liability on any repurchase agreement purchased by the joint account will be limited to its interest in such repurchase agreement.

6. Each of the Funds that would participate in the proposed joint account would do so on the same basis as every other Fund in conformity with its respective fundamental investment objectives, policies and restrictions. The Adviser would have no monetary participation in the joint account, but would be responsible for investing monies in the account, establishing accounting and control procedures, ensuring the equal treatment of each Fund, and ensuring that the assets of the Funds would continue to be held under proper bank custodial procedures.

7. The joint account would save the Fund substantial amounts in yearly transaction fees, allow the Funds to negotiate higher rates of return, reduce the possibility of errors by reducing the number of trade tickets, and allow the Funds greater flexibility to avoid times when excess cash could not be invested prudently. Applicants estimate that, had the joint account been in place, the Funds would have had an aggregate savings of approximately $8,820 in transaction fees alone for the twelve months ended December 31, 1989.

8. Any future Funds that participate in the joint account would be required to do so on the same terms and conditions as the existing Funds.

Applicants' Conditions

As an express condition to obtaining an exemptive order, Applicants agree to operate the joint account according to the following procedures:

(1) A separate cash account would be established at the custodian bank into which each Fund would deposit a portion of its daily uninvested net cash balances.

(2) Cash in the joint account would be invested solely in repurchase agreements collateralized by suitable U.S. Government obligations; such repurchase agreements would satisfy the most restrictive standards for repurchase agreement transactions set by any of the Funds participating in a particular repurchase agreement transaction, and all repurchase agreements will have an overnight, over the weekend or over a holiday duration, and in no event a duration of more than seven days.

(3) All investments held by the joint account would be valued on an amortized cost basis.

(4) Each Fund valuing its assets on the basis of amortized cost would use the average maturity of the joint account for the purpose of computing the Fund's pro rata interest in each security with respect to the portion of its assets held in such account on the day.

(5) In order to assure that there would be no opportunity for one Fund to use any part of a balance of the joint account credited to another Fund, no Fund would be allowed to create a negative balance in the joint account for any reason, although it would be permitted to draw down its entire balance at any time; each Fund's decision to invest in the joint account would be solely at its option, with a Fund being required neither to invest a minimum amount nor to maintain a minimum balance; each Fund would retain the sole ownership rights to any of its assets, including interest receivable on the assets invested in the joint account; each Fund's investment in the joint account would be documented daily on the books of both the Fund and the custodian bank.

(6) Each Fund would participate in the income earned or accrued in the joint account and all instruments (i.e., cash and U.S. Government securities) held in the joint account on the basis of its pro rata share of each of the repurchase agreements in the account.

(7) Under the general terms of each Fund's investment advisory contract, the Adviser would administer the investment of the cash balances in and operation of the joint account and would not collect any separate fees for the management of the joint account.

(8) The administration of the joint account would be within the fidelity bond coverage by Section 17(g) of the Act and Rule 17g–1 thereunder.

(9) The governing bodies of each existing Fund and any future Funds participating in the joint account would evaluate annually the joint account arrangements, and would continue participation in the account only if they were to determine that there was a reasonable likelihood that the Fund and its shareholders would benefit from continued participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–504 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17935; 811–4660]

Rhenus Income Shares, Inc.; Application for Deregistration

January 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Rhenus Income Shares, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on December 21, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 30, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549.

Applicant, One Battery Park Plaza, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant was organized as a Maryland Corporation and is registered as an open-end diversified management investment company under the Act. On May 7, 1986, applicant filed a notification of registration on Form N–8A. On August 4, 1986, applicant filed a registration statement pursuant to section 8(b) of the Act. Applicant filed no registration statements pursuant to the Securities Act of 1933.

2. At a meeting held on September 25, 1990, applicant's board of directors adopted a plan of liquidation and dissolution. Applicant's shareholders unanimously approved the plan of liquidation and dissolution at a special meeting held on December 4, 1990. On December 18, 1990, applicant's total net assets were $20,114,763.38, or $9.87 per share. The liquidating distribution took place on December 19, 1990, at $9.87 per share.

3. Liquidation expenses of $25,125.94 were borne by applicant.

4. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–513 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

Delta Rental Systems, Inc.; Order of Suspension of Trading

January 7, 1991.

It appears to the Securities and Exchange Commission that there is a lack of adequate and accurate information concerning Delta Rental Systems, Inc. ("Delta"), of Miami, Florida, and that questions have been raised about the accuracy and adequacy of representations concerning Delta's financial statements, including (a) the use by Delta of a fictitious accountant's opinion letter included in an annual report on Form 10–K filed with the Commission on April 20, 1990; and (b) the use of an opinion letter, in an amendment to the annual report on Form 8, which was filed with the Commission on November 8, 1990, by an accountant who was not authorized by the relevant state accounting authorities to issue such a letter. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Delta.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Delta, over-the-counter or otherwise, is suspended for the period from 9 a.m. e.s.t., January 7, 1991 through 11:59 p.m. e.s.t. on January 18, 1991.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–543 Filed 1–9–91; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2471; Amdt. 1]

Indiana; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated December 14, 1990 to the President's major disaster declaration of December 6 to establish the incident period as beginning November 27 and continuing through December 14, 1990.

All other informations remains the same, i.e., the termination date for filing applications for physical damage is February 6, 1991, and for economic injury until the close of business on September 6, 1991.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 20, 1990.

Alfred E. Judd,

Acting Assistant Administrator

[FR Doc. 91–595 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2472]

Federated States of Micronesia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on December 14, 1990, I find that the States of Chuuk (Truk) and Yap in the Federated States of Micronesia constitute a disaster area as a result of damages caused by Typhoon Owen which occurred November 26 through December 1, 1990. Applications for loans for physical damage may be filed until the close of business on February 14, 1991, and for loans for economic injury until the close of business on September 16, 1991, at the address listed below:

Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853–4795

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with Credit available elsewhere	8.000
Businesses and Non-Profit Organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	9.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 247206 and for economic injury the number is 720700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008

Dated: December 20, 1990.

Alfred E. Judd.

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91–596 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2467; Amdt. 2]

South Carolina; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated December 4, 1990 to the President's major disaster declaration of October 22 to include Lancaster County in the State of South Carolina as a disaster area as a result of damages caused by severe storms and flooding October 11 through October 28, 1990.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Mecklinburg and Union in the State of North Carolina may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

The termination date for filing applications for physical damage for victims located in the above-named county will be January 21, 1991, 30 days from the date of this notice. For all other designated counties, the deadline for filing applications for physical damage will remain December 21, 1990, and for economic injury until the close of business on July 22, 1991.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 21, 1990.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91–618 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2469; Amdt. 2]

Washington; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with amendments dated December 7, 8, and 10, 1990 to the President's major disaster declaration of November 26 to include the counties of Chelan, Clallam, Island, Jefferson, Kitsap, Kittitas, San Juan, and Yakima in the State of Washington as a disaster area as a result of damages caused by severe storms and flooding beginning on November 9, 1990.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Benton, Douglas, Grant, and Klickitat in the State of Washington may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the termination date for filing applications for physical damage is January 25, 1991, and for economic injury until the close of business on August 26, 1991.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 24, 1990.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91–597 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

[License No. 01/02–0482]

Norstar Capital Inc.; Surrender of License

Notice is hereby given that Norstar Capital Inc., 111 Westminster Street, Providence, Rhode Island 02903 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Norstar was licensed by the Small Business Administration of April 12, 1985.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on December 27, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 31, 1990.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91–598 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

Region IX Regional Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of San Diego, will hold a public meeting at 10 a.m. on Monday, January 14, 1991, in the Federal Building, 880 Front Street, San Diego, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, suite 4–S–29, San Diego, California 92188, telephone (619) 557–7252.

Dated: December 28, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91–599 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

Region I Regional Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Montpelier, will hold a public meeting at 10:30 a.m. on Wednesday, January 23, 1991, at Suzannas Restaurant (Lague Inn), Berlin, Vermont, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Kenneth A. Silvia, District Director, U.S. Small Business Administration, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602 telephone (802) 828–4422.

Dated: December 28, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91–600 Filed 1–9–91; 8:45 am]

BILLING CODE 8025–01–M

[License No. 03/03–5192]

Allied Financial Services Corporation II; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR 107.102 (1990)) under the name of Allied Financial Services Corporation II (the Applicant), 1666 K St., NW., suite 901, Washington, DC 20006 for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

Name	Title of relationship
George C. Williams, 1666 K St., NW., Washington, DC 20006	Chairman and Director.
David Gladstone, 1666 K St., NW., Washington, DC 20006	President & Director.
Phil A. Pettit, American Express Tower, NY 10285	Director.
Lawrence I. Herbert, 800 17th St., NW., Washington, DC 20006	Director.
Charles L. Palmer, 111 E. Las Olas Blvd. Ft.	Director.
Smith T. Wood, 9014 Old Dominion Dr., McLean, VA 22102	Director.

Name	Title of relationship
John D. Reilly, 1250 24th St., NW., Washington, DC 20037	Director.
Craig L. Fuller, 1317 F St., NW., Washington, DC 20004	Director.
Allied Capital Corporation II, 1666 K St., NW., Washington, DC 20006	100%.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in the Washington, DC area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-601 Filed 1-9-91; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0193]

Legacy Fund Limited Partnership; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administraton (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1990)) Legacy Fund Limited Partnership (the Applicant), 815 Connecticut Ave., NW. Washington, DC 20006 for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), 15 U.S.C. 661. et. seq.) and the Rules and Regulations.

The general partners, its officers and directors of the Applicant are as follows:

Name	Title
The Legacy Fund,Inc.	Investment Adviser.
Legacy Fund Partners, Inc..	General Partner of Applicant.
Jonathan J. Ledecky	President of Investment Advisor and Corporate General Partner; Limited Parnter.
Timothy R. Furey	Vice President & Secretary of Investment Adviser and Corporate General Partner; Limited Partner.
Dr. Jaromir Ledecky	Director of Corporate General Partner.
William M. Furey	Director of Corporate General Partner.

Legacy Fund Partners, Inc., the corporate general partner of the Applicant, is 100% owned by Jonathan J. Ledecky and Timothy R. Furey.

The Applicant, a limited partnership organized under the provisions of the District of Columbia Code Sec. 41-401 & f.f. and duly qualified to do business in the District of Columbia, will begin operations with approximately $1,000,000 of paid-in capital and paid-in surplus to be obtained through a private placement. The applicant will conduct its activities primarily in the District of Columbia, and will consider investments in businesses in other areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the general partners and the probability of successful operations of the Applcant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for

A copy of this Notice will be published in a newspaper of general circulation in the Washington, D.C. area.

(Catalog of Federal Domestic Assistance Program No. 59.01 Small Business Investment Companies)

Dated: December 21, 1990.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-602 Filed 1-9-91; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-5392]

U P Resources Inc.; Application for a Small Business Investment Company License

Application for a license to operate a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by U P Resources Inc. (Applicant), 429 S. Euclid Avenue, Suite B, Anaheim, California 92802, with the Small Business Administration pursuant to 13 CFR 107.102 (1990).

The proposed officers, directors and shareholders of the Applicant are as follows:

Name	Title or position	Percent of ownership
Chienkuo Fred Chang, 107 S. Cristal Springs Ct., Brea, CA 92621	President, Director	50
Liling Chang, 107 S. Cristal Springs Ct., Brea, CA 92621	Treasurer, Director	
George Chi-Yung Hsu, 20615 E. Appaloosa Dr., Walnut, CA 91789	Investment Consultant	
Liang Chih Bonnet Fan, 1131 E. Claraday St., Glendora, CA 91704	Secretary, Director	50

The Applicant, a California corporation, is expected to begin operations with $1,000,000 of private capital. The Applicant will conduct its activities in the Western region of the United States.

Matters involved in SBA's consideration of the Application include the general business reputation and

character of the proposed owners and management, and the probability of successful operations of the existing company under their management including adequate profitability and financial soundness in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, DC 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Anaheim, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-603 Filed 1-9-91; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1320]

Turtles in Shrimp Trawl Fishing Operations Protection; Guidelines

ACTION: Notice of guidelines for determining comparability of foreign programs for the protection of turtles in shrimp trawl fishing operations.

SUMMARY: Section 609 of Public Law 101-162 provides that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless there is a certification to Congress by May 1, 1991, and annually thereafter, that the harvesting nation has a regulatory program and an incidental take rate comparable to that of the United States. This notice establishes guidelines that will be used by the Department of State in making that certification.

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Gibbons-Fly, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520, Telephone number (202) 647-3940.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101-162 provides that shrimp harvested with technology that may adversely affect certain see turtles may not be imported into the United States unless the President certifies to Congress by May 1, 1991 and annually thereafter that the harvesting nation has a regulatory program and an incidental take rate comparable to that of the United States. The President has delegated this authority to the Secretary of State. (To be published in the **Federal Register**.)

The Department of State has determined that the import restriction does not apply to aquaculture shrimp, since the harvesting of such shrimp does not adversely affect sea turtles. The Department has also determined that the scope of section 609 is limited to the wider Caribbean/western Atlantic region. Section 609 refers to sea turtles whose conservation is the subject of U.S. regulations that require, among other things, that shrimp trawl vessels fishing in U.S. waters in certain areas of the Gulf of Mexico and Atlantic use Turtle Excluder Devices (TEDs) or reduced tow times during certain seasons to reduce the incidental mortality of sea turtles in trawl operations. In passing section 609, Congress recognized that these conservation measures taken by U.S. shrimp fishermen would be of limited effectiveness unless a similar level of protection is afforded throughout the turtles' migratory range across the Gulf of Mexico, Caribbean and western central Atlantic (Wider Caribbean Region).

It has been determined that nations in the wider Caribbean with commercial shrimp trawl operations, through whose waters these sea turtles migrate, are: Mexico, Belize, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Trinidad and Tobago, Guyana, Suriname, French Guiana, and Brazil.

The foundation of the U.S. program is the requirement that shrimp trawl vessels use approved TEDs in areas and at times when there is a likelihood of intercepting sea turtles. Vessels under 25 feet may use restricted tow times in lieu of the TEDs requirement. The goal of this program is to protect sea turtle populations from further decline by reducing their incidental mortality in shrimp trawl operations. The Department's guidelines recognize that other nations may have different distributions of sea turtles in their waters, and that there may be other methods of reducing sea turtle mortality in shrimp trawl operations. The guidelines do, however, contain a presumption in favor of TEDs because of their proven effectiveness in the U.S. fishery.

In establishing guidelines for determining whether a foreign country has a comparable regulatory program, the State Department has taken into consideration that existing U.S. regulations were developed and implemented over a period of years. The U.S. program included a period of development involving scientific and technological assessment, and a period of implementation involving regulations requiring a phase-in of TEDs use. A foreign program that includes a reasonable period of scientific and technological assessment and a reasonable period of phased in regulations will therefore be deemed comparable if the goals of the program are comparable and if timely progress toward full program implementation is being made.

These guidelines allow three years for the complete phase-in of a comparable program. This allows sufficient time for affected nations to acquire TEDs technology, conduct experimental deployments of TEDs, and evaluate alternative turtle exclusion technologies. It also allows affected nations time to gather scientific data on turtle abundance and the nature and extent of the turtle bycatch in their own commercial shrimp trawl fishery, and to adopt laws and regulations to achieve full implementation of turtle exclusion technologies.

I. Regulatory Program

The Department will assess each affected nation's described regulatory program for comparability with the U.S. program. A certification will be made if the government of the affected nation provides documentary evidence of the adoption of a program that is consistent with the following guidelines.

A. Initial Determination

The initial determination of comparability will be made by May 1, 1991. To be found comparable, a foreign nation's program must include the following elements.

1. *No retention*—a prohibition on the retention of incidentally caught sea turtles.

2. *Resuscitation*—a requirement that comatose incidentially caught sea turtles be resuscitated.

3. *Reduction of Incidental Taking.* At the time of requesting an initial positive determination, many affected nations may not have data on the incidental taking of sea turtle in their shrimp trawl fishery. This element will therefore be satisfied if there is either:

(a) A commitment to require all shrimp trawl vessels to use TEDs at all times (or reduce tow times if a vessel is under 25 feet). This requirement may be phased in over a period of not more than

three years. The program description should establish a timetable during which TEDs use will be phased in; or

(b) A commitment to engage in a statistically reliable and verifiable scientific program to determine times and areas of turtle abundance and assess the impact of the shrimp trawl fishery on sea turtles; to develop and assess technologies to reduce the impact of the shrimp trawl fishery on sea turtles; and to require the use of fishing technologies and techniques that will reduce the incidental mortality of sea turtles in the shrimp trawl fishery to insignificant levels. A program will be found comparable if it contains these elements and if the period of assessment and implementation is not more than three years. The program description should establish a timetable by which each phase of the program is to be completed.

4. *Enforcement.* To be comparable, a program must include a credible enforcement effort that includes monitoring for compliance and appropriate sanctions.

B. Annual Determinations

Certifications in subsequent years will be made annually be May 1. An annual certification will be made if a program contains the following elements.

1. *Achievement of program goals.* The annual submission for certification must provide evidence that the goals established in the initial timetable have been reached. For programs involving only the phased in use of TEDs (I.A.3(a) above), this includes levels of TEDS use. For programs involving scientific and technological assessment (I.A.3(b) above), it includes completion of identifiable phase of all aspects of the program.

2. *Compliance and Enforcement.* The submission must include an assessment of compliance with the program and a report on enforcement activities, including measures taken against vessel owners.

3. *Scientific Cooperation.* To receive annual positive determinations, the affected nation must accommodate reasonable requests by the United States for scientific data and fisheries data, as well as requests for specific scientific and technological cooperation.

II. Incidental Take

A. Initial Determination

As of May 1, 1991 it is unlikely that affected nations will have data regarding incidental take. An initial certification of comparable take will therefore be made if there is a certification of a comparable program as described above. For purposes of the initial determination, it will be assumed that a comparable program will result in a take rate comparable to that in the U.S. fishery at a comparable point in the development of the U.S. program.

B. Subsequent Annual Determinations

If affected nations demonstrate that they are implementing the programs that earned them their initial certification, including a credible enforcement effort, it will be assumed that their take rates are comparable during the period the program is being phased in. For certifications received on May 1, 1994 and thereafter, take rates will be deemed comparable if either:

1. The regulatory program requires 100% TEDs coverage and there is a credible enforcement program, or

2. There is a statistically reliable and verifiable scientific program providing data on sea turtle mortality, which demonstrates that the nation's program results in insignificant levels of sea turtle mortality in the shrimp trawl fishery, and there is a credible enforcement program.

III. Additional Considerations

A. *Form.* A program may be in the form of regulations promulgated by the government and having the force of law. If the nation's legal system and industry structure permit voluntary government-industry arrangements, then such an arrangement may be acceptable so long as there is a governmental mechanism to monitor compliance with the arrangement and to impose penalties for noncompliance, and confirmation that the fishing industry is complying with the arrangement.

B. *Time of Adoption.* For an initial determination, a program must be adopted as of May 1. This requirement will be satisfied if on that date the affected nation has regulations in force containing the key elements of a program as described in I.A.3 above. It may also be satisfied if a nation has developed a timetable for a program and made commitments that it will be implemented. Such commitments may be in the form of a governmental decree, diplomatic correspondence or some other expression of the government's intentions.

C. *Documentary Evidence.* Documentary evidence may be in the form of copies of the relevant laws, regulations or decrees. If the program is in the form of a government-industry arrangement, then a copy of the arrangement is required. In the case of an initial determination, if regulations or arrangements are not in place and the certification is reliant upon a government commitment, documentary evidence might include a governmental decree, diplomatic correspondence, or some other expression of the government's intentions.

D. *Additional Turtle Protection Measures.* The Department recognizes that sea turtles require protection throughout their life cycle, not just when they may encounter shrimp trawls in the Wider Caribbean Region. In making the comparability determination, the Department will also take into account, as a means of judging a nation's commitment to turtle protection, other measures the nation undertakes to protect sea turtles, including national programs to protect nesting beaches and other habitat, prohibitions on the directed take of sea turtles, national enforcement and compliance programs, and programs for the protection of sea turtles in geographic areas outside the Wider Caribbean Region.

E. *Consultations.* The Department will engage in ongoing consultations with affected nations. The Department recognizes that, as turtle protection programs develop, additional information will be gained about the interaction between turtle populations and the shrimp fishery in the Wider Caribbean Region. These Guidelines may be revised in the future to take into consideration that and other information.

Classification

As a matter relating to the foreign affairs function, these guidelines are exempt from the notice, comment, and delayed effectiveness provisions of the Administrative Procedures Act. This action is exempt from Executive Order 12291, and is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information requirement, as defined in the Paperwork Reduction Act.

Dated: January 3, 1991.

David A. Colson,

Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 91-573 Filed 1-9-91; 8:45 am]

BILLING CODE 4710-09-M

Bureau of Intelligence and Research

[Public Notice 1307]

Discretionary Grant Programs; Application Notice Establishing Closing Date for Transmittal of Certain Fiscal Year 1991 Applications

Correction

Volume 55, page 52234, second column. Part I, lines 4 and 5.

Part I

Closing Date for Transmittal of Applications

An application for an award under the current competition of the Department of State's Soviet-Eastern European Research and Training Program must be mailed or hand-delivered by February 15, 1991.

Dated: December 31, 1990.

Kenneth E. Roberts,

Executive Director, Soviet-Eastern European, Studies Advisory Committee, (202) 632-2025.

[FR Doc. 91-579 Filed 1-9-91; 8:45 am]

BILLING CODE 4710-32-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: January 3, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Departmental Offices

OMB Number: 1505-0016.

Form Number: Treasury International Capital Form BQ-1.

Type of Review: Extension.

Title: Part 1.—Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer on Foreigners; Part 2.—Domestic Customers' Claims on Foreigners Held by Reporting Banks, Broker or Dealer, Payable in Dollars.

Description: This report is required by law (22 U.S.C. 95a, 22 U.S.C. 286f and 3103). It is designed to gather timely and reliable information on international capital movements including data on dollar claims of banks, other depository institutions, brokers and dealers and of their domestic customers *vis-a-vis* foreigners.

Respondents: Businesses of other for-profit.

Estimated Number of Respondents: 800.

Estimated Burden Hours Per Response: 4 hours.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden: 12,800 hours.

OMB Number: 1505-0017.

Form Number: Treasury International Capital Forms BC/BC(SA).

Type of Review: Extension.

Title: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, to Foreigners, Payable in Dollars.

Description: This report is required by law (22 U.S.C. 95a, 286f and 3103) for a timely and accurate information on U.S. international capital movements including data on the dollar claims of banks, other depository institutions, brokers and dealers *vis-a-vis* foreigners.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 925.

Estimated Burden Hours Per Response: 7 hours.

Frequency of Response: Monthly and Semi-annually.

Estimated Total Reporting Burden: 77,700 hours.

OMB Number: 1505-0018.

Form Number: Treasury International Capital Forms BL-2/BL-2(SA).

Type of Review: Extension.

Title: Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners.

Description: This report is required by law (22 U.S.C. 95a, 286f and 3103) for timely and accurate information on U.S. international capital movements, including data on the custody liabilities of banks, other depository institutions, brokers and dealers *vis-a-vis* foreigners, payable in dollars.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 115.

Estimated Burden Hours Per Response: 5 hours.

Frequency of Response: Monthly and Semi-annually.

Estimated Total Reporting Burden: 6,900 hours.

OMB Number: 1505-0019.

Form Number: Treasury International Capital Forms BL-1/BL-1(SA).

Type of Review: Extension.

Title: Reporting Bank's Own Liabilities, and Selected Liabilities of Broker or Dealer, to "Foreigners," Payable in Dollars.

Description: This report is required by law (22 U.S.C. 95a, 22 U.S.C. 286f and 3103) for timely and accurate information on U.S. international capital movements, including data on the dollar liabilities of banks, other depository institutions, brokers and dealers *vis-a-vis* foreigners.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 950.

Estimated Burden Hours Per Response: 7 hours.

Frequency of Response: Monthly and Semi-annually.

Estimated Total Reporting Burden: 79,800 hours.

OMB Number: 1505-0020.

Form Number: Treasury International Capital Form BQ-2.

Type of Review: Extension.

Title: Part 1.—Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer; Part 2.—Domestic Customers' Claims or Foreigners Held by Reporting Banks, Broker or Dealer, Payable in Foreign Currencies.

Description: This report is required by law (22 U.S.C. 95a; 22 U.S.C. 286f and 3103). It is designed to gather timely and accurate information on international capital movements including data on liabilities and claims, denominated in foreign currencies, of banks, other depository institutions, brokers and dealers and their customers *vis-a-vis* foreigners.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 290.

Estimated Burden Hours Per Response: 4 hours.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden: 4,640 hours.

Clearance Officer: Dale A. Morgan (202) 566-2693, Departmental Offices, Room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91-495 Filed 1-9-91; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Performance Review Board

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of members of Senior Executive Service Performance Review Board.

EFFECTIVE DATE: Performance Review Board effective December 31, 1990.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, room 3515, 1111 Constitution Avenue, NW., Washington, DC 20224, Telephone No. (202) 566-4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives other than Regional Commissioners, Assistant Commissioners and executives in Inspection and the Office of the Commissioner are as follows:

Michael J. Murphy, Deputy Commissioner, Chairperson
Elmer Kletke, Regional Commissioner, Midwest Region
Leon Moore, Regional Commissioner, Central Region
Helen L. White, Assistant to the Commissioner (Equal Opportunity)
Robert T. Johnson, Assistant Commissioner (Human Resources and Support)
Charles J. Peoples, Assistant Commissioner (Returns Processing)
Walter A. Hutton, Jr., Assistant Commissioner (Information Systems Management)

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978 (43 FR 52122).

Frederick T. Goldberg, Jr.,
Commissioner.

[FR Doc. 91-525 Filed 1-9-91; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of Systems of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is considering amending a system of records entitled, "Patient Medical Records-VA" (24VA136) which is set forth on pages 780-782 of the Federal Register publication, "Privacy Act Issuances, 1987 Compilation, Volume V" and amended at 53 FR 49818 (December 9, 1988), 55 FR 5112 (February 13, 1990), 55 FR 37604 (September 12, 1990) and 55 FR 42534 (October 19, 1990). The system is being amended to include record information that is stored at other locations, to reflect that there will be remote on-line access to computerized records, and to better identify to the public the types of records that are being maintained by VA and the purposes for which the records are used.

The system notice sections being updated include system location, categories of individuals covered by the system, categories of records in the system, authority for maintenance of the system, storage practices, safeguards, retention and disposal, and record source categories. In addition six routine uses are proposed for addition to the system of records.

The system location is being amended to include VA health care facility back-up information for the Decentralized Hospital Computer Program (DHCP) that is stored at off-site locations, copies of Patient Treatment File (PTF) computer tapes that are maintained by VA Central Office at the National Institutes of Health Computer Center and used for statistical analysis and quality assurance purposes, information that is stored at the VA Boston Development Center which is used for planning and resource allocation purposes, and information that is maintained at the Information Systems Centers and Regional Directors and Division Offices and used to manage the health care facilities, for planning and resource allocation purposes, to respond to patient and other inquiries, and for quality assurance purposes.

The categories of individuals covered by the system section is being amended to include beneficiaries of nations allied with the United States in World Wars I and II who are provided VA medical care under the terms of reciprocal agreements. The categories of records in the system section are being redescribed to better identify to the public the types of records that are maintained (e.g., the addition of information that is obtained from automated Veterans Benefits Administration records, patient funds accounts information, the observations, clinical impressions and identities of health care providers). A new section has been added and the purposes for which the records are used has been redescribed (e.g., to respond to patient and other inquiries, to conduct quality assurance audits, reviews and investigations, to conduct law enforcement and administrative investigations, and for personnel management and evaluation purposes).

The storage and safeguards sections have been rewritten to better describe how and where the information is maintained and how it is protected from unauthorized access. The safeguards section has been rewritten also to provide for the remote on-line access to file information stored in the DHCP and, at selected facilities, the Integrated Hospital System by Office of Inspector General (OIG) staff conducting an audit or investigation at OIG office locations that are remote from the health care facilities. The retention and disposal section has been amended to reflect the removal of the moratorium against destruction and that the records retention period has been extended from 15 to 75 years. The record source categories section has been amended to reflect a change in an organizational title.

Six routine uses are being proposed to be added to the system of records to permit disclosures for the following purposes:

No. 33—to a State veterans home for a veteran's medical follow-up when the veteran receives VA medical care and VA pays the State home a per diem rate for the veteran receiving care at the State home.

No. 34—to a non-VA health care facility when VA refers a patient for medical care or when VA treats an individuals under the terms of a contract or sharing agreement and the information is needed for medical treatment or follow-up or for VA to effect recovery of the costs of the medical care.

No. 35—to private sector organizations such as the Joint Commission on Accreditation of Healthcare Organizations for such purposes as obtaining accreditation or other approval ratings.

No. 36—to a non-VA nursing home facility for the purpose of preadmission screening under 42 CFR 483.20(f) when the individual is being considered for admission in order to identify individuals who are mentally ill or mentally retarded so that they can be evaluated for appropriate placements.

No. 37—information reflecting the performance of a health care student or provider may be disclosed to a medical or nursing school or other health care related training institution or other facility with which there is an affiliation or sharing agreement or similar arrangement when the information is needed by the school or institution to

rate or evaluate the individual who is a student or employee of the school or institution.

No. 38—to individuals, organizations or agencies with whom VA has a contract or agreement in order for the contractor to perform the services of the contract or agreement.

A "Report of Altered System" and an advance copy of the revised system notice have been sent to the Chairmen of the House Committee on Government Operations and the Senate Committee on Governmental Affairs, and the Director, Office of Management and Budget (OMB), as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by the OMB (50 FR 52730), December 24, 1985.

The OMB requires that an altered system report be distributed no later than 60 days prior to the implementation of an altered system. The OMB has been requested to waive this requirement.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine uses to the Secretary, Department of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before February 11, 1991, will be considered. All written comments received will be available for public inspection only in Room 132 of the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 19, 1991.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the Federal Register by VA, the routine uses in the system are effective February 11, 1991.

Approved: December 21, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Notice of Amendments to System of Records

The system identified as 24VA136, "Patient Medical Records—VA" appearing on pages 780–782 of the Federal Register publication, "Privacy Act issuances, 1987 Compilation, Volume V" and amended at 53 FR 49818 (December 9, 1988), 55 FR 5112 (February 13, 1990), 55 FR 37604 (September 12, 1990) and 55 FR 42534 (October 19, 1990), is amended by adding six routine uses and revising the entries for System Location; Categories of Individuals Covered by the System; Categories of Records in the System; Authority for Maintenance of the System; Storage; Safeguards; Retention and Disposal; and Record Source Categories to read as follows:

24VA136

SYSTEM NAME:

Patient Medical Records—VA.

SYSTEM LOCATION:

Paper records are maintained at VA health care facilities and Federal record centers. Address locations for VA facilities are listed in VA Appendix 1 at the end of this document. Paper record abstract information is stored in automated storage media records that are maintained at the health facilities (in most cases, back-up computer tape information is stored at off-site locations); VA Central Office, Washington, DC; VA Central Office files maintained at the National Institutes of Health Computer Center, Bethesda, MD; the VA Boston Development Center, Braintree, MA; the Information Systems Centers; the Regional Directors and Division Offices; and the VA Data Processing Center, Austin, TX. Active paper records are generally maintained by the last health care facility where care was rendered. In some cases, copies of paper records, or copies of parts of these records, may be maintained at VA Central Office and/or Regional Directors and Division Offices. The Regional Directors are located at: Eastern Region, Baltimore, MD, with Regional Division Offices at Albany, NY, Baltimore, MD, Bedford, MA, and Pittsburgh, PA; Central Region, Ann Arbor, MI, with Regional Division Offices at Ann Arbor, MI, Indianapolis, IN, Minneapolis, MN, and St. Louis, MO; Southern Region, Jackson, MS, with Regional Division Offices at Atlanta, GA, Dallas, TX, Jackson, MS, and Tampa Bay, FL; and the Western Region, San Francisco, CA, with Regional Division Offices at Palo Alto, CA, Phoenix, AZ, Portland, OR, and Salt Lake City, UT.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Veterans who have applied for health care services under title 38, United States Code, chapter 17, and in certain cases members of their immediate families.

2. Spouse, surviving spouse, and children of certain veterans who have applied for health care services under title 38, United States Code, chapter 17.

3. Beneficiaries of other Federal agencies.

4. Individuals examined or treated under contract or resource sharing agreements.

5. Individuals examined or treated for research or donor purposes.

6. Individuals who have applied for title 38 benefits but who do not meet the requirements under title 38 to receive such benefits.

7. Individuals who were provided medical care under emergency conditions for humanitarian reasons.

8. Pensioned members of allied forces who are provided health care services under Title 38, United States Code, Chapter I.

CATEGORIES OF RECORDS IN THE SYSTEM:

The patient medical record is a consolidated health record (CHR) which may include an administrative record folder (e.g., medical benefit application and eligibility information including information obtained from Veterans Benefits Administration automated records such as the Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA23) and the Compensation, Pension, Education and Rehabilitation Records—VA (58VA21/22), correspondence about the individual), medical record folder (a cumulative account of sociological, diagnostic, counseling, rehabilitation, drug and alcohol, dietetic, medical, surgical, dental, psychological, and/or psychiatric information compiled by VA professional staff and non-VA health care providers), and subsidiary record information (e.g., tumor registry, dental, prosthetic, pharmacy, nuclear medicine, dietetic, social work, clinical laboratory, radiology, patient scheduling information, information related to funds that are deposited at the health care facility for safekeeping). The consolidated health record may include identifying information (e.g., name, address, date of birth, VA claim number, social security number), military service information (e.g., dates, branch and character of service, service number, medical information), family information (e.g., next of kin and person to notify in emergency address information, family medical history information), employment information (e.g., occupation, employer name and address), financial information (e.g., family income, assets, expenses, debts), third-party health plan contract information (e.g., health insurance carrier name and address, policy number, amounts billed and paid), and information pertaining to the individual's medical, surgical, psychiatric, dental, and/or psychological examination, evaluation, and/or treatment (e.g., information related to the chief complaint and history of present illness and information related to physical, diagnostic, therapeutic, and special

examinations, clinical laboratory, pathology and x-ray findings, operations, medical history, medications prescribed and dispensed, treatment plan and progress, consultations, photographs taken for identification and medical treatment, education and research purposes, facility locations where treatment is provided, observations and clinical impressions of health care providers (and identity of providers) to include, as appropriate, the present state of the patient's health, an assessment of the patient's emotional, behavioral, and social status, as well as an assessment of the patient's rehabilitation potential and nursing care needs). Patient medical record abstract information is maintained in auxiliary paper and automated records (e.g., Patient Treatment File (PTF) (data from inpatient episodes of care), Agent Orange Registry (veterans examined for Agent Orange exposure), Former Prisoner of War Tracking System (former POW's who have received a medical evaluation), outpatient visit file (OPC) (data relating to outpatient visits of patients and collaterals), Annual Patient Census File (data on a cross-section of patients in VA health care facilities, cardiac pacemaker registry (patients implanted with a cardiac pacemaker), Hospital Based Home Care Program (patients provided medical services at home), Spinal Cord Injury (SCI) registry (SCI patients who have been examined or treated), AIDS (Acquired Immunodeficiency Syndrome) registry (patients examined or treated for AIDS or AIDS Related Complex)).

A perpetual medical record is established and maintained at the health care facility when a consolidated health record is transferred to a Federal record center for storage. The perpetual medical record consists of the application(s) for medical benefits, hospital summary(ies), operation report(s), and tissue examination(s) for all episodes of care, and if applicable, autopsy report and certain Freedom of Information and Privacy Acts related records. Records related to ionizing radiation and agent orange claimants include ionizing radiation registry and agent orange registry code sheets, progress notes, laboratory reports, and follow-up letters.

Purpose(s):

The paper and automated records may be used for such purposes as: producing various management and patient follow-up reports; responding to patient and other inquiries; epidemiological research and other health care related studies; statistical analysis, resource allocations and planning; providing clinical and administrative support to patient medical care; audits, reviews and investigations conducted by staff of the health care facility, the Regional Directors and Division Offices, VA Central Office, and the VA Office of Inspector General (OIG); law enforcement investigations; quality assurance audits, reviews and investigations; personnel management and evaluation; employee ratings and performance evaluations; employee disciplinary or other adverse action, including discharge; advising health care professional licensing or monitoring bodies or similar entities of activities of VA and former VA health care personnel; accreditation of a facility by an entity such as the Joint Commission on Accreditation of Healthcare Organizations; and, notifying medical schools of medical students' performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, chapter 3, section 210(c)(1) and chapter 73, section 4115.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

33. Relevant medical record treatment information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) may be disclosed to a State veterans home for the purpose of medical treatment and/or follow-up at the State home when VA makes payment of a per diem rate to the State home for the the patient receiving care at such home and the patient receives VA medical care.

34. Relevant medical record treatment information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) may be disclosed to (1) a Federal agency or non-VA health care provider or institution when VA refers a patient for hospital or nursing home care or medical services or authorizes a patient to obtain non-VA medical services and the information is needed by the Federal agency or non-VA institution on provider to perform the services; or (2) a Federal agency or to a non-VA hospital (Federal, State and local public or private) or other medical installation having hospital facilities, organ banks, blood banks, or similar institutions, medical schools or clinics, or other groups or individuals that have contracted or agreed to provide medical services or share the use of medical resources under the provisions of 38 U.S.C. 213, 4117, 5011, or 5053, when treatment is rendered by VA under the terms of such contract or agreement or the issuance of an authorization and the information is needed for purposes of medical treatment and/or follow-up, determing entitlement to a benefit, or, for VA to effect recovery of the costs of the medical care.

35. For program review purposes and the seeking of accreditation and/or certification, record information may be disclosed to survey teams of the Joint Commission on Accreditation of Healthcare Organizations, College of American Pathologists, American Association of Blood Banks, and similar national accreditation agencies or boards with who VA has a contract or agreement to conduct such reviews, but only to the extent that the information is necessary and relevant to the review.

36. Relevant medical record information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) concerning a patient being considered for outplacement by VA may be disclosed to a non-VA nursing home facility that is considering the patient for admission when information concerning the individual's medical care is needed for the purpose of preadmission screening under 42 CFR 483.20(f) for the purpose of identifying patients who are mentally ill or mentally retarded so they can be evaluated for appropriate placement.

37. Information from a named patients's VA medical record which relates to the performance of a health care student or provider may be disclosed to a medical or nursing school or other health case related training institution on other facility with which there is an affiliation, sharing agreement, contract, or similar arrangement when the student or provider is enrolled at or employed by the school or training institution or other facility and the information is needed for personnel management, rating and/or evaluation purposes.

38. Relevant patient medical record information may be disclosed to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor to perform the services of the contract or agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records (or information contained in records) are maintained on paper documents in the consolidated health record at the last health care facility where care was rendered and at Federal record centers. Subsidiary record information is maintained at the various respective services at the health care facility (e.g., Pharmacy, Fiscal, Dietetic, Clinical Laboratory, Radiology, Social Work, Psychology) and by individuals, organizations, and/or agencies with who VA has a contract or agreement to perform such services as VA may deem practicable. Information on automated storage media (e.g., microfilm, microfiche, magnetic tape and magnetic disks and laser optical media) is stored at the health care facilities (includes record information stored in the Integrated Hospital System (IHS) at selected medical facilities and at other facilities in the Decentralized Hospital Computer Program (DHCP) system, and, in most cases, copies of back-up computer files maintained at off-site locations), VA Central Office, the National Institutes of Health, the VA Boston Development Center, the Information Systems Centers, the Regional Directors Offices, and the VA Data Processing Center at Austin, Texas.

* * * * *

SAFEGUARDS:

1. Access to working spaces and patient medical record storage areas in VA health care facilities is restricted to VA employees on a "need-to-know" basis. Generally, file areas are locked after normal duty hours and the health care facilities are protected from outside access by the Federal Protective Service or other security personnel. Access to patient medical records is restricted to VA employees who have a need for the information in the performance of their official duties. Employee patient medical records and records of public figures or otherwise sensitive patient medical records are generally stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosures from these patient medical records are limited to a "need-to-know" basis.

2. Access to the DHCP and IHS computer rooms within the health care facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. ADP peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Information in the DHCP and IHS systems may be accessed by authorized VA employees. Access to file information is controlled at two levels: the system recognizes authorized employees by a series of individually unique passwords/codes as a part of each data message, and the employees are limited to only that information in the file which is needed in the performance of their official duties. Information that is downloaded from PTF, OPC, DHCP and IHS files and maintained on personal computers is afforded similar storage and access protections as the data that is maintained in the original files. Access by OIG staff conducting an audit or investigation at the health care facility or an OIG office location remote from the health care facility is controlled in the same manner.

3. Access to the VA Data Processing Center is generally restricted to Center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted. Information stored in the computer may be accessed by authorized VA employees at remote locations including VA health care facilities, VA Central Office, Regional Directors and Division Offices, and OIG headquarters and field staff. Access is controlled by individually unique passwords/codes which must be changed periodically by the employee.

4. Access to records maintained at VA Central Office, the VA Boston Development Center, the Information Systems Centers and the Regional Directors Offices is restricted to VA employees who have a need for the information in the performance of their official duties. Access to information stored on automated storage media is controlled by individually unique passwords/codes. Information stored on computers at the Information Systems Centers may be accessed by authorized VA employees at remote locations including VA health care facilities and Regional Directors and Division Offices. Access is controlled by individually unique passwords/codes. Records are maintained in manned rooms during working hours. The facilities are protected from outside access during nonworking hours by the Federal Protective Service or other security personnel.

5. Access to PTF information stored by VA Central Office at the National Institutes of Health Computer Center is limited to quality assurance program staff at VA Central Office and the Regional Directors and Division Offices. VA Central Office staff may access the nationwide data and staff of the Regional Directors Offices may access data for their Region. Access to file information is controlled by individually unique passwords/codes.

6. Information downloaded from OPC, PTF, DHCP and IHS files and maintained by the OIG Headquarters and Field Offices on automated storage media is secured in storage areas or facilities to which only OIG staff have access. Paper documents are similarly secured. Access to paper documents and information on automated storage media is limited to OIG employees who have a need for the information in the performance of their official duties. Access to information stored on automated storage media is controlled by individually unique passwords/codes.

RETENTION AND DISPOSAL:

Consolidated health records are retained at health care facilities for a minimum of three (3) years after the last episode of care. After the third year of inactivity the paper record is screened and vital documents are removed and retained for an additional seventy-two (72) years at the facility as a perpetual medical record. The remaining portion of the record is transferred to the nearest Federal record Center for seventy-two (72) more years of storage. Automated storage media are retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

* * * * *

RECORD SOURCE CATEGORIES:

The patient, family members or accredited representative, and friends, employers or other third parties when otherwise unobtainable from the patient or family; military service departments; health insurance carriers; private medical facilities and health care professionals; State and local agencies; other Federal agencies; VA regional offices, Veterans Benefits Administration automated record systems (including Veterans and Beneficiaries Identification and Records Location Subsystem-VA (38VA23) and the Compensation, Pension, Education and Rehabilitation Records-VA (58VA21/22); and, various automated systems providing clinical and managerial support at VA health care facilities.

[FR Doc. 91-540 Filed 1-9-91; 8:45 am]

BILLING CODE 8320-01

Sunshine Act Meetings

Federal Register
Vol. 56, No. 7
Thursday, January 10, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:05 a.m. on Thursday, January 3, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to a certain financial institution.

Application of Union Deposit Loan & Investment Bank, North Providence, Rhode Island, an operating noninsured institution, for Federal deposit insurance.

Application of Savers Bank & Trust Company, East Providence, Rhode Island, an operating noninsured institution, for Federal deposit insurance.

Application of Blackstone Valley Loan and Investment Bank, Lincoln, Rhode Island, an operating noninsured institution, for Federal deposit insurance.

Application of PierBank, Inc., Narragansett, Rhode Island, an operating noninsured institution, for Federal deposit insurance.

Application of Greater Providence Deposit Corporation, Providence, Rhode Island, an operating noninsured institution, for Federal deposit insurance.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Vice Chairman Andrew C. Hove, Jr., Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: January 4, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–706 Filed 1–8–91; 1:42 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER NUMBER: 90–30631.

PREVIOUSLY ANNOUNCED DATE AND TIME:

Thursday, January 10, 1991, 10 a.m.
Meeting open to the public.

By direction of the Federal Election Commission, the open meeting of January 10, 1991 has been cancelled.

DATE AND TIME: Tuesday, January 15, 1991, 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, January 17, 1991, 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Correction and Approval of Minutes
Draft Advisory Opinions:
A. AO 1990–26 Margaret Clark on behalf of Re-elect Virginia Smith to Congress Committee.
B. AO 1990–27 Ralph Elliott on behalf of the Connecticut Republican Party.
Public Financing of Presidential Elections:
A. Proposed Comments on Notice of Proposed Rulemaking issued by the Department of Treasury on Public Financing of Presidential Elections.
B. Status Report on the Status of the Presidential Election Campaign Fund.
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 376–3155.

Hilda Arnold,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 91–741 Filed 1–8–91; 2:17 pm]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., January 15, 1991.

PLACE: Room 12162, 1100 L Street, NW., Washington, DC 20573–0001.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED:

1. Maritime Administration Briefing on People's Republic of China

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 91–640 Filed 1–8–91; 1:40 pm]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 294, January 3, 1991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, January 7, 1991.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a closed meeting on December 14, 1990.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: January 8, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–647 Filed 1–8–91; 1:41 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 56, No. 7
Thursday, January 10, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Proposed Beach Erosion Control Project, Atlantic Coast of New York City

Correction

In notice document 90-30193 beginning on page 53039 in the issue of Wednesday, December 26, 1990, make the following correction:

On page 53040, in the second column, in the file line at the end of the document, "FR Doc. 90-30139" should read "FR Doc. 90-30193".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 26151; Amdt. No. 93-61]

High Density Traffic Airports Allocation of International Slots at O'Hare International Airport

Correction

In rule document 90-30160 beginning on page 53238 in the issue of Thursday, December 27, 1990, make the following corrections:

1. On page 53241, in the second column, in paragraph (3) under *Alternative Proposals*, in the third line, "required" should read "requested".

2. On the same page, in the third column, in the first full paragraph, in the 16th line, "of" should read "in".

3. In the same paragraph, in the fourth line from the end, "on" should read "or".

§ 93.217 [Corrected]

4. On page 53243, in the third column, in § 93.217, in paragraph (a)(10)(i), in the eighth line, "an" should read "and".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 170

[Docket No. 26425]

RIN 2120-AC98

Establishment and Discontinuance Criteria for Airport Traffic Control Tower Facilities

Correction

In rule document 91-29 beginning on page 336 in the issue of Thursday, January 3, 1991, make the following correction:

PART 170--[CORRECTED]

On page 341, in the first column, in the authority citation for part 170, in the second line, "1401, 12421, 1422" should read "1401, 1421, 1422".

BILLING CODE 1505-01-D

federal register

Thursday
January 10, 1991

Part II

Department of the Interior

Bureau of Indian Affairs

Membership Roll of the Cow Creek Band of Umpqua Tribe of Indians; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Membership Roll of the Cow Creek Band of Umpqua Tribe of Indians

January 4, 1991.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing the membership roll of the Cow Creek Band of Umpqua Tribe of Indians as of June 1, 1990. The membership roll was prepared in accordance with the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987. Section 5 of the Act requires publication of the membership roll in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Superintendent, Siletz Agency, Bureau of Indian Affairs, P.O. Box 539, Siletz, Oregon 97380, telephone number: (503) 444-2679.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM 8.

The Cow Creek Band of Umpqua Tribe of Indians was awarded judgment funds in docket numbered 53–81L by the United States Claims Court. Funds to satisfy the award were appropriated by Congress. The Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987, Pub. L. 100–139 (Judgment Act), authorized the use and distribution of the judgment funds.

Section 5 of the Judgment Act, which amended the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (Recognition Act), directed the Secretary of the Interior to prepare within 365 days of the date of the Act a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians in accordance with the regulations contained in 25 CFR part 61. The membership roll was to be comprised of persons who met certain specified criteria.

A proposed rule to amend part 61 so that the procedures contained in Part 61 would govern the preparation of the tribal membership roll was published in the **Federal Register** on June 3, 1988, 53 FR 20335. An editorial correction was published in the **Federal Register** on Wednesday, June 29, 1988, 53 FR 24551.

Subsequently, language was included in the Fiscal Year 1989 Interior Appropriations Act of September 27, 1988, Pub. L. 100–446, to amend the Cow Creek Band of Umpqua Tribe of Indians Recognition Act. The amendment to the Recognition Act affected the criteria for enrollment on the tribal membership roll that were in the proposed rule. Because the effect of the amendment was significant, the BIA again published a proposed rule to amend the regulations contained in part 61 which reflected the new statutory language. The second proposed rule was published in the **Federal Register** on Tuesday, October 31, 1989, 54 FR 45743.

On Friday, March 1, 1990, a final rule was published in the **Federal Register** at 55 FR 7492. The final rule set out the qualifications for enrollment and specified a deadline of June 1, 1990, for filing applications to be included on the membership roll being prepared. Under the requirements of section 5 of the Judgment Act, as amended, and in accordance with the regulations contained in 25 CFR part 61, the membership roll of the Cow Creek Band of Umpqua Tribe of Indians as of June 1, 1990, which follows, was prepared.

Section 5 of the Judgment Act requires the publication of the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians in the **Federal Register**. The Act further provides that after completion and publication in the **Federal Register** of the roll, membership in the Cow Creek Band of Umpqua Tribe of Indians shall be limited to persons listed on the tribal membership roll and their descendants. However, the Judgment Act does provide that the Cow Creek Band of Umpqua Tribe of Indians, at its discretion, may subsequently grant tribal membership to any person of Cow Creek Band of Umpqua Indian ancestry who under tribal procedures applies to the tribe for membership and is determined to meet the tribal requirements for membership.

By Resolution Numbered 90–11, the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians accepted the tribal membership roll as of June 1, 1990, containing the names of 765 individuals as the base membership roll of the tribe.

Under authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM 8, redelegated by the Assistant Secretary—Indian Affairs to the Portland Area Director at 230 DM 3.1, and redelegated by the Portland Area Director in the BIA Manual at 10 BIAM 12, part 3, section 3.20, Release 10–6 (5–2–73), the Superintendent of the Siletz Agency approved the Membership Roll of the Cow Creek Band of the Umpqua Tribe of Indians as of June 1, 1990, on December 7, 1990.

Tribal rolls are a part of a BIA system of records covered by the provisions of the Privacy Act. For that reason only the names of the persons included on the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians and control numbers are shown on the document which follows:

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[Resolution 90–11]

Whereas, The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians is the official governing body of the Tribe, authorized to act in behalf of the Tribal Council, and

Whereas, under section 5 of the Act of October 26, 1987, as amended by the Act of September 27, 1988, a membership roll of the Cow Creek Band of Umpqua Tribe of Indians was prepared. Such roll consists of individuals who either are Cow Creek descendants or certain other persons who are of Indian descent; were not members of any other federally recognized Indian tribe on July 30, 1987; and who qualified for enrollment under one of the three categories shown below:

(1) They are named on the official tribal roll approved on September 3, 1980; or

(2) They were born on or prior to October 26, 1987, and are descendants of any individuals listed in category No. 1; or

(3) They are the descendants of any individual considered to be a member of the Cow Creek Band of Umpqua Tribe of Indians for the purposes of the treaty entered into between such Band and the United States on September 19, 1853; have applied to the Secretary of the Interior for enrollment under regulations the Secretary issued for the preparation of the roll; and met the requirements for membership specified in the By-Laws of the Cow Creek Band of Umpqua Tribe of Indians which bears an approved date of 9/10/1978.

Whereas, the 1987 Act also authorized the Secretary of the Interior to prescribe regulations to carry out the provisions of that Act and on March 2, 1990, such regulations appeared in the **Federal Register**, Vol 55, No. 42, pages 7492 through 7494. The regulations required that each applicant for enrollment file or have filed on his or her behalf an application form with the Superintendent, Siletz Agency, Bureau of Indian Affairs, P.O. Box 539, Siletz, Oregon 97380, by June 1, 1990, and that upon the completion of the roll it shall be published in the **Federal Register**. Thereafter, the membership of the tribe shall be limited to the persons listed on such roll and their descendants.

Now therefore, be it resolved that the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians accepts the attached membership roll of the tribe, as of June 1, 1990, which contains a total of 765 names as the base membership roll of the tribe.

Be it further resolved, that all members of the Cow Creek Board of Directors have been provided with the information of the Cow

Creek Band of Umpqua Tribe of Indians membership.

Sue M. Shaffer,

Chairman.

Certification

This resolution was adopted by the Cow Creek Band of Umpqua Tribe of Indians, Board of Directors on October 29, 1990 and was adopted by a vote of 11 FOR, 0 AGAINST, and 0 ABSTAINING.

Carla Swanson,

Secretary

Approval—Membership Roll of the Cow Creek Band of the Umpqua Tribe of Indians

Under the authority redelegated to me in 10 BIAM 12, part 3, section 3.20, release 10–6 (5–2–73) by the Portland Area Director to act for the Secretary of the Interior in approving tribal membership rolls, I hereby approve the attached Membership Roll of the Cow Creek Band of Umpqua Tribe of Indians. The roll, which contains the names of 765 tribal members, constitutes the tribal membership as of June 1, 1990, and was prepared to the best of my knowledge and ability in accordance with section 5 of the Act of October 26, 1987 (101 Stat. 822), as amended by the Act of September 27, 1988 (102 Stat. 1794). Consequently, I would recommend that the Assistant Secretary—Indian Affairs submit the roll to the **Federal Register** for its publication therein as required by subsection 5(b) of the 1987 statute.

Dated: December 7, 1990.

Nelsen M. Witt,

Superintendent, Siletz Agency.

BILLING CODE 4310-02-M

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0103	ADAMS	JASON COLE
0001	ADAMS	PATRICIA ERNESTINE
0253	ALBERT	ANTHONY AARON
0121	ALBERT	EDWIN EDWARD
0086	ALBERT	MICHAEL THEODORE
0256	ALBERT	WILMA ELAINE
0263	ALLAN	CHRISTOPHER, D.
0258	ALLAN	DANIEL GUY
0945	ALLAN	DREW LOUISE
0260	ALLAN, JR.	DAVID WILLIAM
0261	ALLAN, JR.	DONALD CHARLES
0259	ALLAN, SR.	DAVID
0270	ALLIN	ZELLA CHRISTINE
0271	ALLISON	JODI LEE
0272	ALLISON	JOSEPH RAY
0275	ALMADEN	ANGELA NICHOLE
0276	ALMADEN	BRIAN NICHOLAS
0277	ALMADEN	KATHERINE PEARL
0218	ANDERSON	KIM MARIE
0278	ANSURES	CHRYSTAL, M.
0279	ANSURES	DELBERT, J.
0280	ANSURES	JACK
0281	ANSURES	JACOB, L.
0282	ANSURES	JOSHUA, D.
0283	ARNOLD	LEONARD GLENN
0284	ASHWORTH	TINA MARIE
1004	AVIS	BRAD THOMAS
0286	AVIS	TODD KEITH
0287	BACKEN	LUANN, L.
0289	BALLARD	ANDREW, M.
0290	BALLARD	BLANCH MARIE
0291	BALLARD	MERCY JEAN
0292	BALLARD	WANDA, G.
0100	BARKS	SANDRA DEE
0293	BARNEY	AARON JAMES
0294	BARNEY	ALICIA AUTUM
0187	BAYSINGER	PATTY JEAN
0300	BELL	AIMEE, K.
0296	BELL	DAVID MICHAEL
0297	BELL	DELLA R.
0298	BELL	MELISSA CHRISTINE
0299	BELL	MICHAEL WILLIAM
0301	BENNETT	JARRED, K.
0302	BENNETT	KAREN, A.
0303	BENNETT	PAMELA DIANE
0304	BERG	BETTY JEAN
0132	BISHOP	JEANNE SHIRLEY
0133	BISHOP	SHAWNDALE JUNE

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0727	BISHOP	TONYA MAY
0726	BISHOP	VIDA MARIE
0724	BISHOP	JESSE ALLEN
1201	BLACKWELL	DUSTIN LEWIS
1200	BLACKWELL	JUDITH ANN
0316	BOCHART	DAVE EUGENE
0328	BOCHART	ELZER DELBERT
0318	BOCHART	GERALD, W.
0319	BOCHART	HAROLD W.
0320	BOCHART	JANEY MARIE
0931	BOCHART	JEREMY DREW
0321	BOCHART	JESSICA CAROL
1166	BOCHART	KATHLEEN ANN
0322	BOCHART	LESTER HERMAN
0323	BOCHART	LESTER WILLIAM
0324	BOCHART	MICHAEL WILLIAM
0932	BOCHART	NATHAN ALLEN
1257	BOCHART	RACHELE MARIE
0325	BOCHART	RANDY OWEN
0326	BOCHART	RYAN ELLIOT
0938	BOCHART	SPENCER DAVID
0327	BOCHART	STEVEN ALAN
0171	BOTTS	SARA ANNE
0329	BOWERS	LOREN ALLEN
0748	BOWSER	JESSE ANN
0330	BRADEEN	BAMBI LYNN
0331	BRADEEN	MITCHELL RAY
0338	BRIGHT	DELORES FAYE
0339	BRIGHT	STEVEN THEODORE
0341	BRIM	KELLIE ELIZABETH
0340	BRIM	MARY ELIZABETH
0342	BRIM	MICHELLE NICOLE
0345	BROWN	AMANDA RENEE
0346	BROWN	AMBER RAYE
0347	BROWN	ASHLEY ROBYN
0348	BROWN	KENNETH, M.
0344	BROWN	TAMYRA SUE
0101	BRUNELL	LAURIE, K.
0098	BRUNELL	MABLE ELLEN
0898	BRUNELL	MICHAEL CHARLES
0099	BRUNELL	TAMARA ELAINE
0349	BURLESON	DALE, L.
0350	BURLESON	KEVIN, G.
0352	BUSCHMANN	DANIEL LEE
0353	BUSCHMANN	DONALD ELLIS
0376	BUSCHMANN	DOUGLAS KIMO KAEO
0354	BUSCHMANN	ELVIN LOUIS
1171	BUSCHMANN	GARY EDWARD

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0356	BUSCHMANN	GORDON ELSWORTH
1175	BUSCHMANN	JAMES EDWARD
0358	BUSCHMANN	JAMES LEROY
0361	BUSCHMANN	KARENA MARIE
0374	BUSCHMANN	LEANN LEIKAIMANA
0375	BUSCHMANN	LEONNA PUAOLENA
0362	BUSCHMANN	MELISSA MARIE
0363	BUSCHMANN	RACHELLE REENE
0364	BUSCHMANN	RHONDA, A
0365	BUSCHMANN	ROGER MERLIN
0366	BUSCHMANN	SARAH LEIGH
0367	BUSCHMANN	TERRY ANTHELEE
1174	BUSCHMANN	TERRY RONALD
0369	BUSCHMANN	THOMAS RAY
0371	BUSCHMANN	VERNON, R.
0370	BUSCHMANN	VERNON MERLE
0372	BUSCHMANN	VICTORIA CARLENE
0373	BUSCHMANN	WALTER HOWARD
0377	CALLOWAY	CONNIE LYNN
0379	CAMPBELL	DONALD RAY
0477	CAMPMAN	CAM
1142	CARRILLO	COHEE JEAN
0382	CASE	ERIC LEE
0383	CASE	HEIDI LENORE
0384	CASE	JENNIFER JEAN
0109	CATHCART	TRISTA LORAINE
1143	CHAPMAN	DONNA MARIE
0034	CLEMMONS	MARCEL JANINE
0393	COLEMAN	CHRISTINA MAY
0392	COLEMAN	DIANNA LYN
1040	COLLINS	CYNTHIA MAUREEN
0395	CORBETT	HENRY MARTIN
0396	CORBETT	KENNETH ALAN
0397	CORBETT	LORETTA CAROLYN
0404	COURTNEY	ASHLEY ANN
0399	COURTNEY	DANIEL LEE
0403	COURTNEY	KARI LEANN
0464	COURTNEY	KELLY ANN
0402	COURTNEY	LAURA JUNE
0400	COURTNEY	SHANNA LYNN
0405	COX	BRECK ALLAN
1237	COX	CHRISTINE EMILY
0413	COX	DORIAN DENNY
0407	COX	JAMES LEIGHTON
0408	COX	JOHN LAYTON
0409	COX	KAREN ANN
0410	COX	RENA MAY
0412	COX	RUSSELL THOMAS

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
1297	COX	THOMAS LEE
1097	CRAWFORD	JULIE ANN
0414	CRISPEN	ARMAND STEVEN
0415	CRISPEN	KELLY LYNN
1283	CROSS	PETE CHRISTOPHER
0417	CROSS	ROWENA MAE
0418	CROSS	TAWNYA LYNN
1282	CROSS, JR.	GILBERT
0422	CROTHERS	AMANDA JEAN
0420	CROTHERS	SHAWNA ANN
0421	CROTHERS	SHIELA ANN
0423	CULBERTSON	PAMELA DEANNE
0424	CULBERTSON	PAMELA JEANNE
0425	CULBERTSON	REX TROY
0684	CUMMINGS	FRIEDA MARY
0427	DAVIS	ALBERT MARCELLUS
0139	DAVIS	BARBARA, A.
0745	DAVIS	DEAN TROY
0134	DAVIS	ERNEST HOWARD
0140	DAVIS	KIT EMILY
1305	DAVIS	KRISTINE
0136	DAVIS	LARRY, A.
0137	DAVIS	MAUREEN MICHELLE
0138	DAVIS	ROBERT LEE
0141	DEARDORFF	ANGELA, C.
0143	DEARDORFF	CHRISTY MAE
0142	DEARDORFF	CLOYD ALLEN
0960	DEARDORFF	DORAN ERIC
0153	DEARDORFF	ELIZABETH, A.
0081	DEARDORFF	JAMES, L.
0496	DEARDORFF	JAMI LYNN
0080	DEARDORFF	JERIMIAH JAMES
0077	DEARDORFF	JOHN A.
0154	DEARDORFF	JOSEPH DEE
0728	DEARDORFF	KRISTAL FAYE
0150	DEARDORFF	ROSE A.
0152	DEARDORFF	ROYCE LEROY
0078	DEARDORFF	ADAM ISAAC
0151	DEARDORFF JR.	ROSE, A.
0155	DECARLO	EDNA MAE
0157	DELAY	CONNIE LACHELLE
0161	DELAY	DANIEL, D.
0162	DELAY	DAVID ANTHONY
0735	DELAY	GREGORY DEAN
0160	DELAY	IVA MARIE
0165	DERRICK	CRYSTAL ANNE
0164	DERRICK	DAVID ALAN
0163	DERRICK	MISTY DAWN

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0166	DOMPIER	ALLEN MARK
0167	DOMPIER	DAVID JASON
0169	DOMPIER	MIRANDA MICHELLE
1288	DOMPIER	RENEE DANIELLE
0173	DOMPIER	STACY JEAN
0174	DOMPIER	WILLIAM JEFFERY
0176	DONLEY	EMMA VIRGINIA
0175	DONLEY	JENNIFER KRISTINE
1289	DONLEY, JR.	ROBERT EDWARD
1265	DUMONT	BOBBY RAE
0182	DUMONT	CHRISTIE LYNN
0181	DUMONT	CHRISTOPHER LYNN
0183	DUMONT	ESTON
0193	DUMONT	FRANKIE LEE
0184	DUMONT	GEORGE DAVID
0186	DUMONT	JO LINDA
0195	DUMONT	KODY, R.
0185	DUMONT	KYLE LEE
0697	DUMONT	LACEY HAYLENE
0188	DUMONT	ROBERT LEE
0190	DUMONT	SANDY, R.
0192	DUMONT	SHELLI KAY
0178	DUMONT	YVONNE MARIE
1309	EAMIGH	DAWN, M.
0202	EAMIGH	LAWRENCE, E.
1311	EAMIGH	SCOTT DEAN
1312	EAMIGH	STEPHANIE NICOLE
1310	EAMIGH	YVETTE TONI
0208	EMERSON	AMY LYN
0207	EMERSON	BRIAN WILLIAM
0206	EMERSON	JOSHUA EDWARDS
0205	EMERSON	SHERYL LYN
0172	ERICKSON	SHAWN, J.
0209	ESTABROOK	AMEE BRINLEY
0924	ESTABROOK	COURTNEY BETH
0210	ESTABROOK	GARY JAMES
0211	ESTABROOK	JAMES RAY
0215	ESTABROOK	JENIE LYNN
0916	ESTABROOK	KERI JEAN
0212	ESTABROOK	LAURA ELIZABETH
0213	ESTABROOK	ROBERT JAMES
0217	ESTES	LORRAINE MARGARET
1161	FEATHER	DONOVAN NICHOLS
0219	FITCH	HALEY JAY
0979	FLANAGAN	GIDGET RITA MARIE
0220	FOSTEER	ALBERT CARL, JR.
0221	FREEMAN	AMARYLLIS MAE, JR.
0222	FRENNA	PANSY LOUISE

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0223	FRENNA	VERNON, E.
0224	FURNEY	BARBARA J.
0227	GADDIS	CHRISTOPHER BLAINE
0225	GADDIS	EUNICE ALESIA
0226	GADDIS	MARY LORAINE
0234	GATEWOOD	DENACE LEE
0235	GATEWOOD	ESTER LORRENE
0236	GATEWOOD	MICHAEL EUGENE
0239	GIBSON	BRANDON, G.
0240	GIBSON	PENNY DENEISE
0241	GIBSON	SHANE, M.
0242	GILL	BRANDY DONELL
0567	GIRDLER	LORAINE MARY
0243	GOGERT	DARLA LEANN
0244	GOGERT	DARRELL LEE
0245	GOGERT	DENISE LYNN
0247	GOGERT	PATRICIA PAULENE
0246	GOLDEN	MARCELLA MARIE
1073	GOLDEN	MERISSA MARIE
0249	GOLDEN	NICHOLE ,T.
0248	GOLDEN	RONALD LEE
0429	GOULD	NAOMI
0432	GUENTHER	JAMES ELMER
0433	GUENTHER	ORRIN DALE
0435	GUENTHER	ROXY LAVERNE
0434	GUENTHER	STEPHEN ALEXANDER
0436	GUENTHER	WILLIAM ROBERT
0999	HAGGARD	TYLER MICHAEL
0443	HAMRICK	MICHAEL ALLEN
0444	HAMRICK	STEPHEN SCOTT
1170	HANKINS	AMANDA DIANNE
0445	HANKINS	TERRISA CHRISTINA
0447	HANSON	HEATHER, L.
0446	HANSON	TERRY DARLENE
0973	HASH-YEAGER	LEVI, R.
0613	HASH-YEAGER	STEPHEN
0458	HAYNES	AARON MICHAEL
0457	HAYNES	DAWN RENEE
0508	HERTZ	JEFFERY EDWARD
0507	HERTZ	JOHN MICHAEL
0509	HEUSSNER	JANE ALICE
0760	HILL	AARON EARL
0511	HILL	BARBARA JEAN
0512	HILL	CINDY LOU
0438	HILL	CORINNE KAY
0513	HILL	JESSE DARRIN
0489	HILL	JOANNE, L.
0515	HILL	KANDY JO

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0519	HILL	LYNDSEY, EMALINE
0516	HILL	PATRICIA JEAN
1296	HILL	ROBERT LYNN
0498	HILL	TRAVIS LOGAN
0521	HOLMES	FRIEDA ALVIRA
0809	HONEYCUTT	SHELLY LYNN
0525	HOWREN	ANDREW ANTHONY
0526	HOWREN	APRIL ELLEN
0527	HOWREN	EILEEN MARIE
0528	HOWREN	ELDON EUGENE
0529	HOWREN	MARY LEE
0531	HUDDLESTON	KELLY COLLETTE
0532	HUDDLESTON	ROBIN ANN
0533	HUDDLESTON	SANDRA GLENN
0534	HUSSEY	HEIDI LEE
0535	HUSSEY	PATRICIA ANN
0493	HUTESON	DONNA, K. (ALLAN)
0538	JACKSON	CURTIS, D.
0106	JACKSON	DILLON CISCO
0108	JACKSON	EMILY LORA ANN
0539	JACKSON	GARY LEE
0107	JACKSON	JESSE LEE
0495	JACKSON	JESSICA LYN
1159	JACKSON	LINDA, D.
0541	JACKSON	MELISSA SUE
0542	JACKSON	NATHAN, D.
0543	JACKSON	NEIL STEPHEN
0544	JACKSON	REBECCA SUE
0546	JACKSON	ROY, S.
0537	JACKSON, SR.	CHARLES EDGAR
0545	JACKSON, SR.	ROGER LEE
0738	JACKSON-KELLY	WILLIAM JASPER
0901	JANSEN	CINDY RAE
1266	JESKA	CYNTHIA CAROL
1278	JESKA	DAVID GEORGE
1277	JESKA	DELMAR SHANE
0233	JOHNSON-GATES	JOAN, C.
0553	JONES	CAROL SUSAN
0555	JONES	JORDAN ROSS
0556	JONES	SHANNA RENE
0554	JONES	VERA ELLEN
0910	JOSEPH	MONICA MARIE
0557	JOSEPH	TINA MARIE
0561	KAESEMEYER	DANIEL JOSEPH
0560	KAESEMEYER	MATHEW TUREMAN
0558	KAESEMEYER	STEVEN MATTHEW
0569	KANDEL	PHILLIP PETER
0571	KANDEL	ROBERT FRANK

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0570	KELVY	JULIE LYNN
0572	KELVY	ROBERT, M.
0573	KELVY	SUSAN RACHEL
0574	KEMBLE	DORA LYNN
0492	KENNINGTON	BRITTANY
0491	KENNINGTON	TERESA DAWN
0576	KENTNER	LINDA ELLENE
0577	KENTNER	RONALD RAY
0578	KENTNER	SHELLY DAWN
1279	KENTON	BESSIE ELIZABETH
0580	KENYON	DELIA AMOR
1243	KENYON	JEREMY JOSEPH
1244	KENYON	JESSE LEE
0582	KENYON	RICHARD ELLIOT
0583	KENYON	STEVE EDWARD
0585	KENYON, JR.	JOHN LEROY
1242	KENYON, JR.	JUBA LEE
0581	KENYON, SR.	JOHN LEROY
0584	KENYON, SR.	JUBA LEE
0673	KIRK	STEPHANIE NICOLE
0591	KNIGHTEN	CHRISTOPHER ALLEN
0592	KNIGHTEN	KIMBERLY ANN
0593	KNIGHTEN	STEVEN WADE
0597	KRANTZ	EMILY ROSE
0598	LACHANCE	CHRISTINE MARIE
1247	LACHANCE	DARLENE CHRISTINE
0105	LACHANCE	DARRELL
0601	LACHANCE	DAVID CHARLES
0602	LACHANCE	DAVID LEWIS
0603	LACHANCE	JACK, A.
0609	LACHANCE	JESSICA MARIE
0604	LACHANCE	LOUIS EDWARD
0605	LACHANCE	RILEY DARRIN
0612	LARSON	WESLEY WARREN
0448	LEDFORD	ANDREA, L.
0615	LEDFORD	MACHELLE BETH
0620	LEDFORD	MELISSA ANN
1222	LEDFORD	ROBERT LEWIS
1220	LEDFORD	STEPHANIE LYNN
0619	LEDFORD	WILLIAM HOWARD
0387	LEDFORD	PATTI SUE
0621	LEE	NADINE ANN
0622	LEONARD	JENNIFER MARIE
0623	LEONARD	PENNY KATHLEEN
0624	LERWILL	CORENA LYNN
0625	LERWILL	MARVIN DOUGLAS
0626	LERWILL	SHAWNA RENEA
0627	LERWILL	WALTER RALPH

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0628	LERWILL	WESTON CLAY
0630	LONG	LORRAINE LEE
0631	LOONEY	DUSTIN ERON
0632	LOONEY	LINDA LEE
0633	LOONEY	MISHA LEYRISSE
0638	LOWELL	JANICE MARIE
0640	LOWELL	KERRY RAY
0639	LOWELL	KEVIN SCOTT
0641	LOWELL	ROBERT WAYNE
0964	LYCETT	CHRYSTOPHER RAY
0649	LYCETT	DARYL LYNNE
0643	LYCETT	DONALD LEE
0644	LYCETT	DONALD LEE KAIMI
0645	LYCETT	DUANE LUCAS
0646	LYCETT	KENNETH RAY
0951	LYCETT	KRISTEN ANN
0647	LYCETT	ROGER CARLTON
0926	LYCETT	RONALD CURTIS
0648	LYCETT	SARAH HAZEL
0942	MADISON	SUSAN KAY
0652	MALONE	DARWIN CLAY
0653	MALONE	NORMA DEEN
0654	MALONE	RICHARD JAMES
0655	MALONE	WESLEY ALLEN
0656	MAMEROW	ADELAIDE WINNIFRED
0657	MAMEROW	GEORGE ARTHUR
0658	MAMEROW	GEORGE LEONARD
0089	MAMEROW	JORDAN CHRISTIAN
0659	MAMEROW	TIFFANY DEANNE
0660	MANTLE, JR.	MICHAEL REX
0490	MARTIN	BELINDA ANN
0884	MARTIN	MICHAEL, D.
0672	MARTINEZ	MIA DENISE
0480	MATHISON	DARREN DEAN
0460	MATHISON	JUSTIN LEE
0678	McCLURE	CECILIA, M.
0680	McCLURE	LEVI ALLAN
0679	McCLURE	MICHAEL RIVAL
0682	MCGRAW	MAXINE ILENE
0681	MCPHERSON	MARY JO
0683	MEDEARIS	WANDA JOSEPHINE
0685	MELLIN	JOSEPH ESTON
0686	MELLO	DARLENE LEE
0687	MICHAELS	LOUELLA MAE
0391	MINTON	TERESA MARIE
0689	MIX	JOSHUA JOSEPH
0690	MIX	PAMELA MICHELLE
0691	MIX	RUSSELL, J.

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0692	MIX	SHERYL LOUISE
0948	MOOK	KRISTEN NIKOL
1246	MOOK	SANDRA, J.
0949	MOOK	TRISTIN DAVID
0694	MOORE	CATHERINE MARIE
0695	MOORE	DENNIS BRIAN
1168	MOORE	RACHEL MARIE
1109	MOORE	SARAH JO
0559	MOORE	SHEENA RUTH
0890	MOORE	TANNA CHARLEEN
0698	MULHOLLAND	MARGARET ANN
0398	MURPHY	PAMELA DEE
0701	NAYLOR	DONALD JACK
0706	NAYLOR, JR.	DAVID ALLEN
0704	NAYLOR, SR.	DAVID ALLEN
1291	NEALEY	DARBY JAMES
1163	NEIMAN	ROBIN LYNN
1273	NELSON	ROSENA ANGELA
0716	NICHOLS	DANIEL ELLIOT
1190	NICHOLS	EUNICE CHRISTINE
1210	NICHOLS	LOGAN GARRITT
1156	NICHOLS	NATHANIEL CALOB
1211	NICHOLS	RYAN BURGESS
0714	NICHOLS	WALTER ADELBERT
1198	NICHOLS	WALTER JESS
1187	NICHOLS, III	JESSE LEE
0717	NICKLASON	LAURA BETH
0718	NICKLASON	MELINDA CHRISTINE
0719	NICKLASON	TIMOTHY BRIAN
0720	NORTON	DEBRA ANN
1314	NORTON	LAURA JOELLE
1313	NORTON	MELISSA RAE
0722	OELRICH	MARGARET CAROLYN
0994	OLMSTED	JESSE PAUL
0568	OLSEN	MARCINE DAWN
0805	ORTEGON	JOSE MARCOS
0806	ORTEGON	JUAN CARLOS
0807	ORTEGON	TONI CARYNE
0808	ORTIS	CURTIS JAMES
0810	OTTOSEN	DONNA MARIE
0811	OTTOSEN	TINA MARIE
0812	OTTOSEN, JR.	WILLARD, F.
0813	O'DELL	CHARLES BENJAMIN
0814	O'DELL	CRYSTLE DAWN
0816	O'DELL	ELI JOSEPH
0817	O'DELL	ERIC SHERIDAN
0821	O'DELL	GEORGE MICHAEL
0815	O'DELL	JEFFERY MICHAEL

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0820	O'DELL	JOSEPH GEORGE
1724	O'DELL	STEVEN EUGENE
0818	O'DELL	TERENCE STEVEN
0823	PARAZOO, JR.	ARTHUR LEROY
0824	PARAZOO JR.	CHARLES, O.
0830	PAROZ	DALLAS NORMAN
0831	PAROZ	KIM EUGENE
0832	PARRY	AMY A.
0834	PARRY	DENNIS WILLIAM
0833	PARRY	MARY LESLIE
1224	PENUEL	CHRISTOPHER, R.
0837	PENUEL	FLORENCE OPAL
1225	PENUEL	REBECCA MAE
0838	PENUEL, JR.	JAMES, E
0841	PERDUE	JAMES, T.
0840	PERDUE	ROBERT LEE
0842	PERDUE	WALTER WILLIAM
0755	PETERS	SUSANNE LEE
0200	PETERSEN	JEREMY JAMES
0250	PETERSEN	STACY RAY
0844	PETERSEN, JR.	ROBERT GUY
0845	PICARD	ASHLEY NICOLE
0846	PICARD	CHEYNE TYLER
0848	PICARD	DENNIS LEROY
0849	PICARD	DOUGLAS ERIC
0850	PICARD	GREGORY THOR
0852	PICARD	KRISTEN KARI
0751	PICARD	MICHAEL ANTHONY
0847	PICARD	RAYMOND GREGORY
0753	PICARD	ROBERT ALLEN
0452	PICARD	ROBERT REVELLA
0754	PICARD	ROBERT RYAN
0993	PICARD	WILLIAM JOSEPH
0756	PICKETT	MELISSA ANN
0757	POOLE	CODY JAMES.
0759	PORTER	NANCY, J.
0758	PORTER	TREVOR LEE BARTON
1191	POTTS	BETSY MICHELL
0763	POTTS	DANNY ALLAN
0779	POTTS	DEVAN ALAN
0765	POTTS	DOUGLAS ALAN
0766	POTTS	FRANCIS ROSALIE
0767	POTTS	JAMES EVERETT
0768	POTTS	JASON LEE
0770	POTTS	JOHN WILLIAM
0771	POTTS	JOSHUA NEIL
0737	POTTS	KALA ANN
0773	POTTS	MELISSA SUE

MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0772	POTTS	NEIL ANDREW
0736	POTTS	PATRICIA ANN
1780	POTTS	ROBERT LEVI
0092	POTTS	ROGER LEROY
1157	POTTS	RUSTY WILLIAM
0781	POTTS	TASHINA ILABETH
0783	PRESLAR	CYNTHIA PAULINE
0787	PRUITT JR.	TOD, T.
0789	QUIGG	CATHERINE, L.
0791	RAINVILLE	DELBERT, D.
0995	RAINVILLE	GERALD, E.
0792	RAINVILLE	JAMES, L.
1091	RAINVILLE	KELLI, D.
0794	RAINVILLE	LONNEY, J.
0793	RAINVILLE	LONNIE, L.
0795	RAINVILLE	RYAN, B.
0798	RAINVILLE, JR.	TEDDY LEE
0796	RAINVILLE, SR.	TEDDY LEE
0800	RAMIREZ	GUILLERMO
1026	RAMIREZ	JOYCE MARCIA
1027	RAMIREZ	RON ALLEN
0799	RAMIREZ	YOLANDA
0801	RAY	PAMELA IRENE
0952	REEL	CARRIE LYNN
0940	REEL	KATHY MARIE
0955	REEL	STACEY WAYNE
0802	RHOADES	BARBARA, R.
0005	RICE	CASSIDY ROSE
0803	RICE	CLEMENTINE, J.
0002	RICE	SIGNE, J.
0003	RICE	SUSAN ELLEN
0004	RICE	WILLIAM DOUGLAS
0007	RICHARDS	DEAN ANDREW
0008	RICHARDS	LOUISE DARLENE
0102	RICHARDS	ANN LOUISE
0012	ROANE	CELESTE M.
0009	ROANE	DERICK CHARLES
0010	ROANE	SHIRLEY LEE
0011	ROANE	WESLEY LEROY
0013	ROARK	GEORGE ORVAL
0015	ROARK	JUANITA MAE
1254	ROARK	KENESA GRACE
0016	ROARK	KENNETH, D.
0017	ROARK	KENNETH EUGENE
1253	ROARK	KENYON RICHARD
0018	RONDEAU	BENJAMIN GEORGE
0019	RONDEAU	BRANDON EDWARD
0499	RONDEAU	BRANDY MICHELLE

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
0021	RONDEAU	BRIAN KELLY
0022	RONDEAU	CHARLES ARTHUR
0053	RONDEAU	CHRISTOPHER WILLIAM
0023	RONDEAU	CRYSTAL LYNN
0024	RONDEAU	EDWARD LESTER
0087	RONDEAU	ERIC WESTON
0052	RONDEAU	GARY DUANE
0025	RONDEAU	GEORGE BENJAMIN
0026	RONDEAU	GEORGE THOMAS
1292	RONDEAU	JACOB GARRETT
0051	RONDEAU	JAMES NEIL
0027	RONDEAU	JAMES PATRICK
0116	RONDEAU	JAMIE ELIZABETH
0115	RONDEAU	JERRIE C.
0114	RONDEAU	JERRY, A.
0113	RONDEAU	JOELL KRISTEN
0033	RONDEAU	JOHN ALLAN
1306	RONDEAU	JUSTIN FLETCHER
0088	RONDEAU	KAMY LEE
0057	RONDEAU	KENTAURUS EAGLE
0035	RONDEAU	MICHAEL, J.
0036	RONDEAU	MICHAEL SHAWN
0056	RONDEAU	NICOLE LOUISE
0037	RONDEAU	RANDY, W.
0479	RONDEAU	RHONDA LOUISE
0039	RONDEAU	RICHARD WESTEN
0040	RONDEAU	ROBERT EDWARD
0059	RONDEAU	SEAN RYAN
0041	RONDEAU	SHAWN MICHAEL
0042	RONDEAU	STEVEN JAMES
0043	RONDEAU	TAMMY LYNN
0046	RONDEAU	TIMOTHY LLOYD
0047	RONDEAU	TONY GLENN
1293	RONDEAU	VERNON ROCKWELL JAMES
0060	RONDEAU, III	THOMAS WALTER
0061	RONDEAU, JR.	THOMAS WALTER
0062	RONDEAU, JR.	VIRGIL THOMAS
0050	RONDEAU, JR.	WALLACE
0044	RONDEAU, SR.	TOM WALTER
0049	RONDEAU, SR.	WALLACE, J.W.
0064	ROONEY	BRIAN JOSEPH
0063	ROONEY	DONNA SMITH
0065	ROONEY	KEVIN DOUGLAS
1001	ROSS	LORRIS, M.
1002	ROSS	WAINE HARDY
1003	RUA	CLAUDIA LUCILLE
1005	RUDOLF	WENDY ANN
1008	RUSSELL	JAMES WAYNE

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
1007	RUSSELL	MARY ANN
1006	RUSSELL	PAULA RENA
1011	SANDOVAL	KATHLEEN, J.
1012	SARGEANT	JAMIE LEE
1013	SARGEANT	REGINALD ROBERT
1014	SCHALK	JOSHUA STEVEN
1015	SCHALK	PATRICIA LOU
1016	SCHALK	SHILO CHRYSTINE
1017	SCHMIDT	PATRICIA RAE
1261	SCHNETZER	DANIEL JAMES
1250	SCHNETZER	ERICKA SUSANNA
1262	SCHNETZER	TARL MATTHEW
1019	SCHNETZER, III	JOHN JOSEPH
1020	SCHULTZ	CLARA MAY
1021	SCOTT	REATHA, C.
1022	SEELY	ALBERTA JEAN
1023	SEELY	AMANDA CHRISTINE
1024	SERTAIN	AGNES ANNE
1025	SERTAIN	BERT ALLEN
1286	SERTAIN	JOANNA LEE
1287	SERTAIN	JOYCE ELAINE
1285	SERTAIN	MARY ANN
1284	SERTAIN	VICTORIA NICOLE
1029	SERTAIN	ZELMA JOYCE
1031	SHAFFER	SHERRI, E.
1032	SHAFFER	SUE, M.
1030	SHAFFER, JR	GEORGE DANIEL
1033	SHEPARDSON	BOYCE MILLER
0453	SHEPARDSON	CLINTON ANDREW
1034	SHEPARDSON	JUSTIN HENRY
0835	SHOLES	JULIE ANNA
1037	SLAYMAKER	MALVINA LADAWN
1043	SMITH	CHAD, D.
1038	SMITH	DIANNA, G.
1041	SMITH	MALVA DEE
1039	SMITH	NAOMI JUNE
1042	SMITH	WILLIAM MARTIN
1050	STEFFLER	JENNIFER JEAN
1049	STEFFLER	LAURA JEAN
1051	STEFFLER	SCOTT BRIAN
1053	STEWARD	BENJAMIN HANBY
1052	STEWARD	KATHLEEN SUSAN
1054	STEWART	CINDY ANN
1055	STEWART	DEREK ALLEN
1056	STEWART	LATTICIA ANN
1270	STEWART	SETH ANDREW
1307	STONE	DARLA CONNIE
1058	STRATTON	GABRIEL RICHARD

[FR Doc. 91-515 Filed 1-9-91; 8:45 am]
BILLING CODE 4310-02-C

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
1057	STRATTON	NICHOLAS TYLER
1059	STROUD	SUSAN KAY
1061	STURGEON	CHARLOTTE ANNE
1067	STURGEON	EDWARD JOSEPH
1063	STURGEON	JAMES, P.
1064	STURGEON	JAMES, R.
1065	STURGEON	MILDRED ISABELL
1062	STURGEON	PATRICK DEAN
0112	STURGEON	SEAN PATRICK
1066	STURGEON	THOMAS, J.
1068	STURGEON	THOMAS MICHAEL
1074	SWAFFORD	JENNIFER MARIE
1075	SWAFFORD	KIMBERLY JOANN
1076	SWANSON	CARLA SUE
1078	SWANSON	CHRISTOPHER DEAN
1077	SWANSON	TYSON JAMES
0273	TAYLOR	LINDA LEE
0943	TAYLOR	RACHEL JEAN
1092	THOMAS	DANNY JAMES
1093	THOMPSON	DENNIS, L.
0746	THOMPSON	DUSTIN LEE
1094	THOMPSON	DWIGHT LEON
0642	THOMPSON	SHANNON KAE
1098	TIMMERMAN	DEBRA
1100	TRAVIS	ANNA MARIE
1267	TRAVIS	RICHARD
1268	TRAVIS	TEDDY JAMES
1106	ULM	BRENDA MARGARET
1105	ULM	JULIE MARGARET
1107	ULM	STEPHANIE MICHELLE
1110	VAN NORMAN	ALEC
0274	VAN NORMAN	ALLISON CRYSTAL JO
0488	VAN NORMAN	BARBARA JAY
1119	VAN NORMAN	CHRISTINE ANN
1111	VAN NORMAN	DONALD
1114	VAN NORMAN	FRANK (LELAND)
1112	VAN NORMAN	HEATHER, J.
1113	VAN NORMAN	JONATHAN, F.
1120	VAN NORMAN	KELLI JO
1121	VAN NORMAN	KIMBERLY LYNN
1124	VAN NORMAN	KORY JOHN
1115	VAN NORMAN	MARVIN JAMES
1116	VAN NORMAN	ROBERT
1117	VAN NORMAN	SCOTT LELAND
1235	VAN NORMAN	STACI ALIX
1118	VAN NORMAN	STEVEN ROBERT
1122	VAN NORMAN	TRACI LEA
0131	VILLA	BERNITA MARIE

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MEMBERSHIP ROLL OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS AS OF JUNE 1, 1990.

CTRL#	LAST NAME	FIRST, MIDDLE
1127	VOLKMAN	ERNEST HOWARD
1128	VOLKMAN	HOWARD ERNEST
1129	VOLKMAN	REBECCA LYNN
1131	VOLKMAN	RICHARD LEROY
1134	WATSON	AMMIE DIAHANN
1133	WATSON	CARLA, L.
0936	WESTERVELT	JAMIE NICOLE
1138	WHITE	KAREN MICHELLE
1137	WHITE	HELEN MAY
1272	WIEST	DOUGLAS JOHN
1139	WILHELM	CHRISTOPHER CONRAD
1140	WILHELM	ROSA LEE
1146	WOLF, JR.	JAN
1164	WOLFE	LENORE APRIL
0967	WOLFER	BRENT WILLIAM
0965	WOLFER	BRIAN DEAN
0966	WOLFER	DORIS LEE
0085	WRIGHT	BECKY ALBERT
1264	WRIGHT	JASON RAY
0968	WRIGHT	PAMELA JOYCE
0969	WYMAN	ALEXANDER MICHAEL
0970	WYMAN	JOANNE
0971	WYMAN	JUSTIN ARNOLD
0972	WYMAN	STERLING WESLEY
0069	YATES	BRADLEY DEAN
0071	YATES	NICHOLE NAOMI
0070	YATES	RYAN DEAN
0976	YEUST	DOROTHY MABEL
0082	YEUST	JEREMY ALLEN
0083	YEUST, SR.	CRAIG ALLEN
0980	YOUNG	JOHN EDWARD
0981	YOUNG	JOHN (DECEASED)
0983	YOUNG	JONELL ANN
0984	YOUNG	KAREN KAY
0985	YOUNG	LETITIA MAY
0986	YOUNG	RALPH E
0987	YOUNG	REBECCA, F.
1290	YOUNG	STEVE ALLEN
0988	YOUNG	STEVE DUANE
0989	YOUNG	TED WYATT
0990	YOUNG	VERNE RALPH
0982	YOUNG	JOHANNA MARIE
0992	YURGALEVICZ	BERDENE MARY
1147	ZIMMERMAN	GARRY STEPHEN
1148	ZIMMERMAN	TODD JOSEPH

federal register

Thursday
January 10, 1991

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Establishment of Transition Area; Zephyrhills, FL; Extension of Comment Period

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-ASO-23]

Proposed Establishment of Transition Area, Zephyrhills, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This notice announces an extension of the comment period on a Notice of Proposed Rulemaking (NPRM) which proposes to establish a Transition Area at Zephyrhills, FL. This action is being taken in response to a petition for a 30-day extension of the comment period on NPRM No. 90-ASO-23. In the interest of providing an opportunity for commenters to review the proposal and provide meaningful comment on the proposal, it appears reasonable to grant the petition.

DATES: Comments must be received on or before: February 11, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, System Management Branch, Docket No. 90-ASO-23, P.O. Box 20636, Atlanta, Georgia 30320.

SUPPLEMENTARY INFORMATION:

Background

Airspace Docket No. 90-ASO-23, published on November 26, 1990 (55 FR 49073) proposed to establish a Transition Area at Zephyrhills, FL. This action will extend the comment period closing date on that airspace docket from January 7, 1991 to February 11, 1991 to allow additional time for comment.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Extension of Comment Period

The comment period closing date on Airspace Docket No. 90-ASO-23 is hereby extended to February 11, 1991.

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

Issued in East Point, GA, on January 4, 1991.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 91-551 Filed 1-7-91; 12:35 pm]

BILLING CODE 4910-13-M

federal register

Thursday
January 10, 1991

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 37

Federal Acquisition Regulation (FAR); Coverage for Temporary Services; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 37

Federal Acquisition Regulation (FAR); Coverage for Temporary Services

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to FAR Subpart 37.1 to add coverage on Government use of private sector temporaries. This coverage is intended to inform contracting personnel that such contracts are permitted, and to cite the appropriate statutory authority for these contracts.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before March 11, 1991, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 90–57 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie A. Frazier, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR Case 90–57.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule merely revises the FAR to reflect existing Office of Personnel Management regulations. Comments from small entities concerning the affected FAR subsection will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90–610 (FAR Case 90–57) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 37

Government procurement.

Dated: January 3, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR part 37 be amended as set forth below:

PART 37—SERVICE CONTRACTING

1. The authority citation for 48 CFR part 37 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c)

2. Section 37.112 is added to read as follows:

37.112 Government use of private sector temporaries.

Contracting officers may enter into contracts with temporary help service firms for the brief or intermittent use of the skills of private sector temporaries. Services furnished by temporary help firms shall not be regarded or treated as personal services. These services shall not be used in lieu of regular recruitment under civil service laws or to displace a Federal employee. Acquisition of these services shall comply with the authority, criteria, and conditions of 5 CFR part 300, subpart E, Use of Private Sector Temporaries, and agency procedures.

[FR Doc. 91–568 Filed 1–9–91; 8:45 am]

BILLING CODE 6820–34–M

federal register

Thursday
January 10, 1991

Part V

The President

Executive Order 12742—National Security Industrial Responsiveness

Presidential Documents

Federal Register
Vol 56 No. 7
Thursday, January 10, 1991

Presidential Documents

Title 3—

The President

Executive Order 12742 of January 8, 1991

National Security Industrial Responsiveness

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 50 U.S.C. App. 468, 10 U.S.C. 4501 and 9501, and 50 U.S.C. 82, it is hereby ordered as follows:

Section 101. *Policy.* The United States must have the capability to rapidly mobilize its resources in the interest of national security. Therefore, to achieve prompt delivery of articles, products, and materials to meet national security requirements, the Government may place orders and require priority performance of these orders.

Sec. 102. *Delegation of Authority under 50 U.S.C. App. 468.*

(a) Subject to paragraph (b) of this section, the authorities vested in the President, under 50 U.S.C. App. 468, with respect to the placing of orders for prompt delivery of articles or materials, except for the taking authority under 50 U.S.C. App. 468(c), are hereby delegated to:

(1) the Secretary of Agriculture with respect to all food resources;

(2) the Secretary of Energy with respect to all forms of energy;

(3) the Secretary of Transportation with respect to all forms of civil transportation; and

(4) the Secretary of Commerce with respect to all other articles and materials, including construction materials.

(b) The authorities delegated by paragraph (a) of this section shall be exercised only after:

(1) a determination by the Secretary of Defense that prompt delivery of the articles or materials for the exclusive use of the armed forces of the United States is in the interest of national security, or

(2) a determination by the Secretary of Energy that the prompt delivery of the articles or materials for the Department of Energy's atomic energy programs is in the interest of national security.

(c) All determinations of the type described in paragraph (b) of this section and all delegations—made prior to the effective date of this order under the Defense Production Act of 1950, as amended, and under its implementing rules and regulations—shall be continued in effect, including but not limited to approved programs listed under the Defense Priorities and Allocations System (15 CFR Part 700).

Sec. 103. *Delegation of Authority under 10 U.S.C. 4501 and 9501, and 50 U.S.C. 82.*

(a) Subject to paragraph (b) of this section, the authorities vested in the President under 10 U.S.C. 4501 and 9501 with respect to the placing of orders for necessary products or materials, and under 50 U.S.C. 82 with respect to the placing of orders for ships or war materials, except for the taking authority vested in the President by these acts, are hereby delegated to:

(1) the Secretary of Agriculture with respect to all food resources;

(2) the Secretary of Energy with respect to all forms of energy;

(3) the Secretary of Transportation with respect to all forms of civil transportation; and

(4) the Secretary of Commerce with respect to all other products and materials, including construction materials.

(b) The authorities delegated in paragraph (a) of this section may be exercised only after the President has made the statutorily required determination.

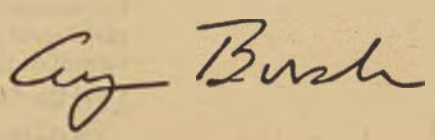
Sec. 104. *Implementation.* (a) The authorities delegated under sections 102 and 103 of this order shall include the power to redelegate such authorities, and the power of successive redelegation of such authorities, to departments and agencies, officers, and employees of the Government. The authorities delegated in this order may be implemented by regulations promulgated and administered by the Secretaries of Agriculture, Defense, Energy, Transportation, and Commerce, and the Director of the Federal Emergency Management Agency, as appropriate.

(b) All departments and agencies delegated authority under this order are hereby directed to amend their rules and regulations as necessary to reflect the new authorities delegated herein that are to be relied upon to carry out their functions. To the extent authorized by law, including 50 U.S.C. App. 486, 10 U.S.C. 4501 and 9501, and 50 U.S.C. 82, all rules and regulations issued under the Defense Production Act of 1950, as amended, with respect to the placing of priority orders for articles, products, ships, and materials, including war materials, shall be deemed, where appropriate, to implement the authorities delegated by sections 102 and 103 of this order, and shall remain in effect until amended or revoked by the respective Secretary. All orders, regulations, and other forms of administrative actions purported to have been issued, taken, or continued in effect pursuant to the Defense Production Act of 1950, as amended, shall, until amended or revoked by the respective Secretaries or the Director of the Federal Emergency Management Agency, as appropriate, remain in full force and effect, to the extent supported by any law or any authority delegated to the respective Secretary or the Director pursuant to this order.

(c) Upon the request of the Secretary of Defense with respect to particular articles, products, or materials that are determined to be needed to meet national security requirements, any other official receiving a delegation of authority under this Executive order to place orders or to enforce precedence of such orders, shall exercise such authority within 10 calendar days of the receipt of the request; provided, that if the head of any department or agency having delegated responsibilities hereunder disagrees with a request of the Secretary of Defense, such department or agency head shall, within 10 calendar days from the receipt of the request, refer the issue to the Assistant to the President for National Security Affairs, who shall ensure expeditious resolution of the issue.

(d) Proposed department and agency regulations and procedures to implement the delegated authority under this order, and any new determinations made under sections 102(b)(1) or (2), shall be coordinated by the Director of the Federal Emergency Management Agency with all appropriate departments and agencies.

Sec. 105. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
January 8, 1991.

[FR Doc. 91-630
Filed 1-9-91; 1:00 pm]
Billing code 3195-01-M

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Federal Register

Vol. 56, No. 7

Thursday, January 10, 1991

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A cumulative list of Public Laws for the second session was published in Part II of the **Federal Register** on December 10, 1990.

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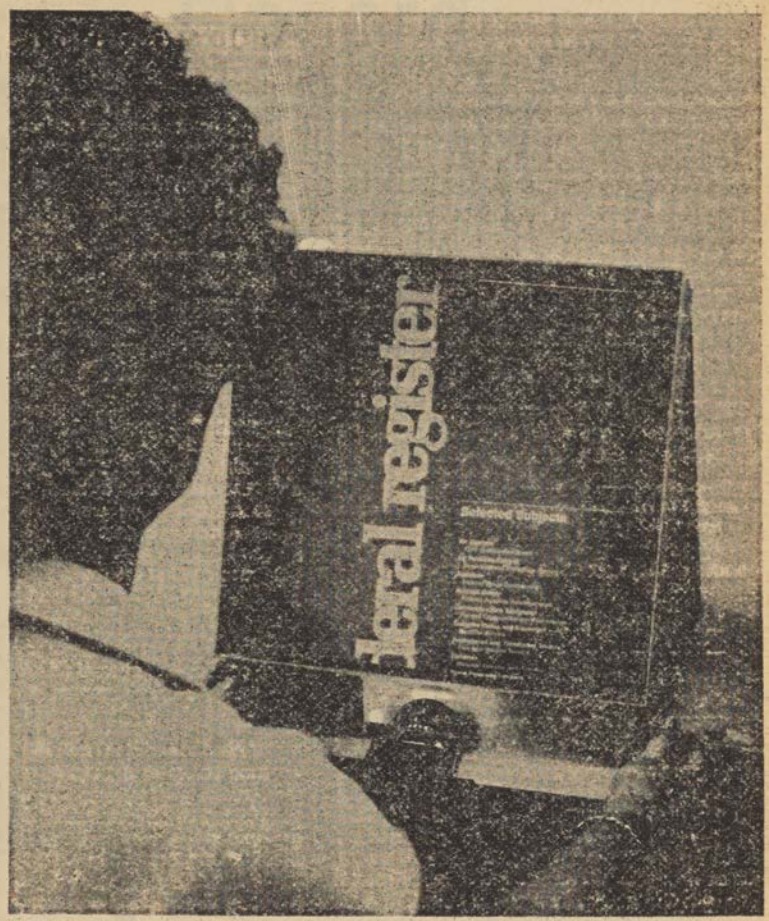

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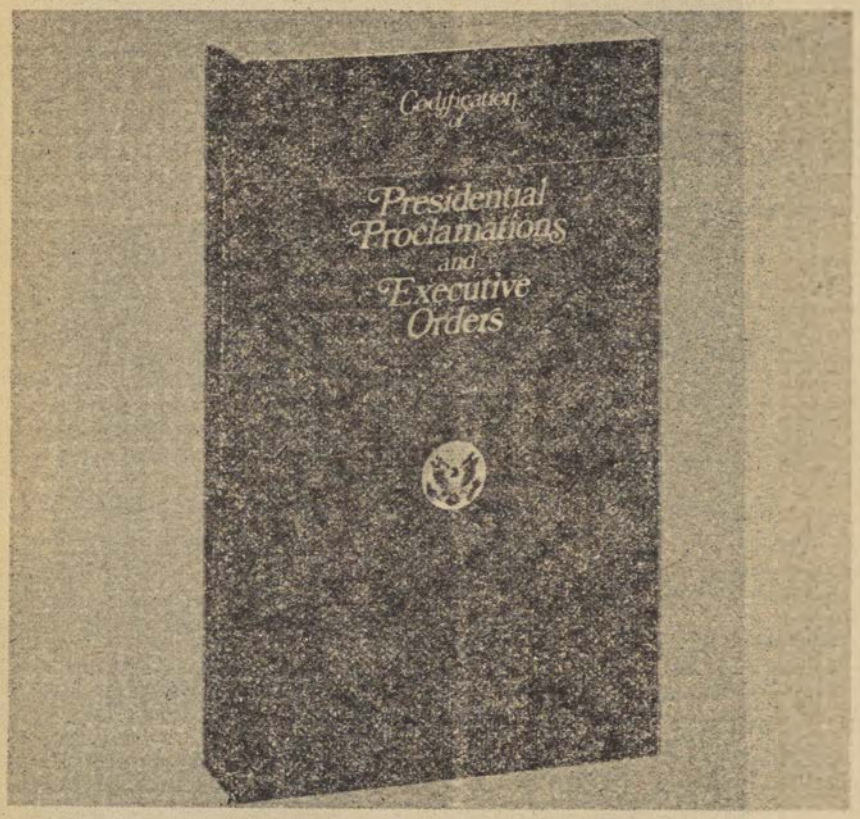

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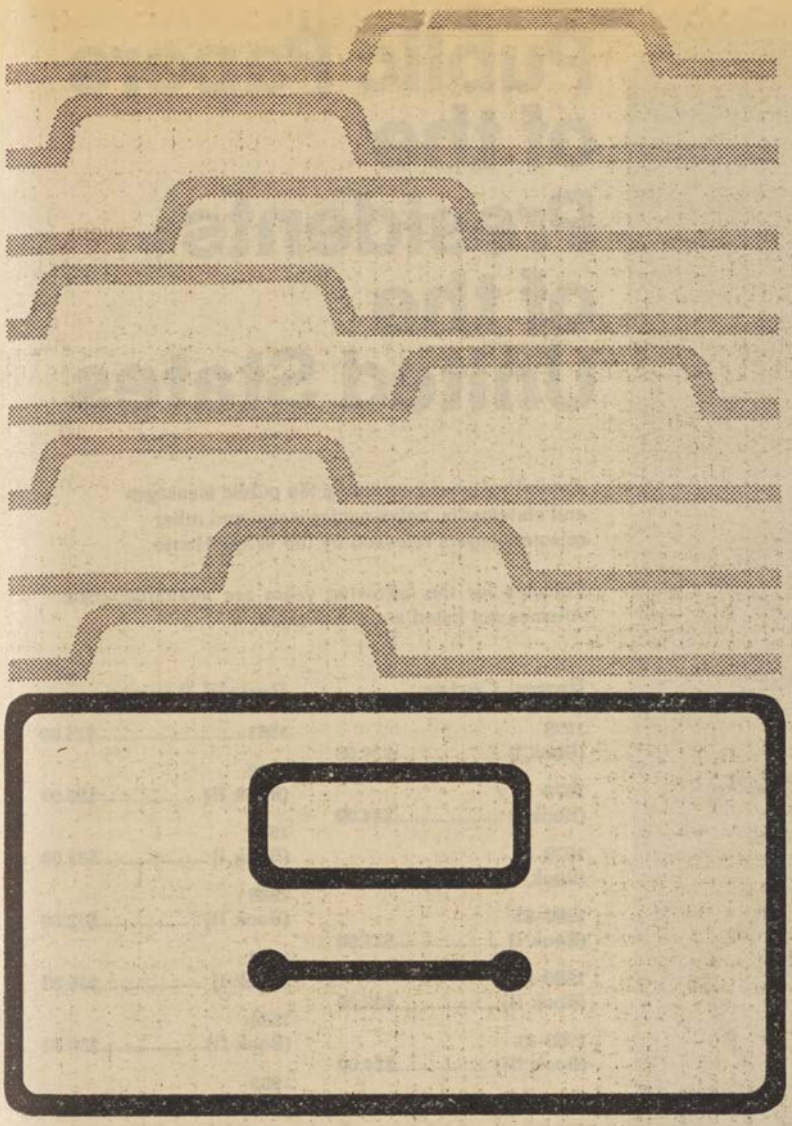

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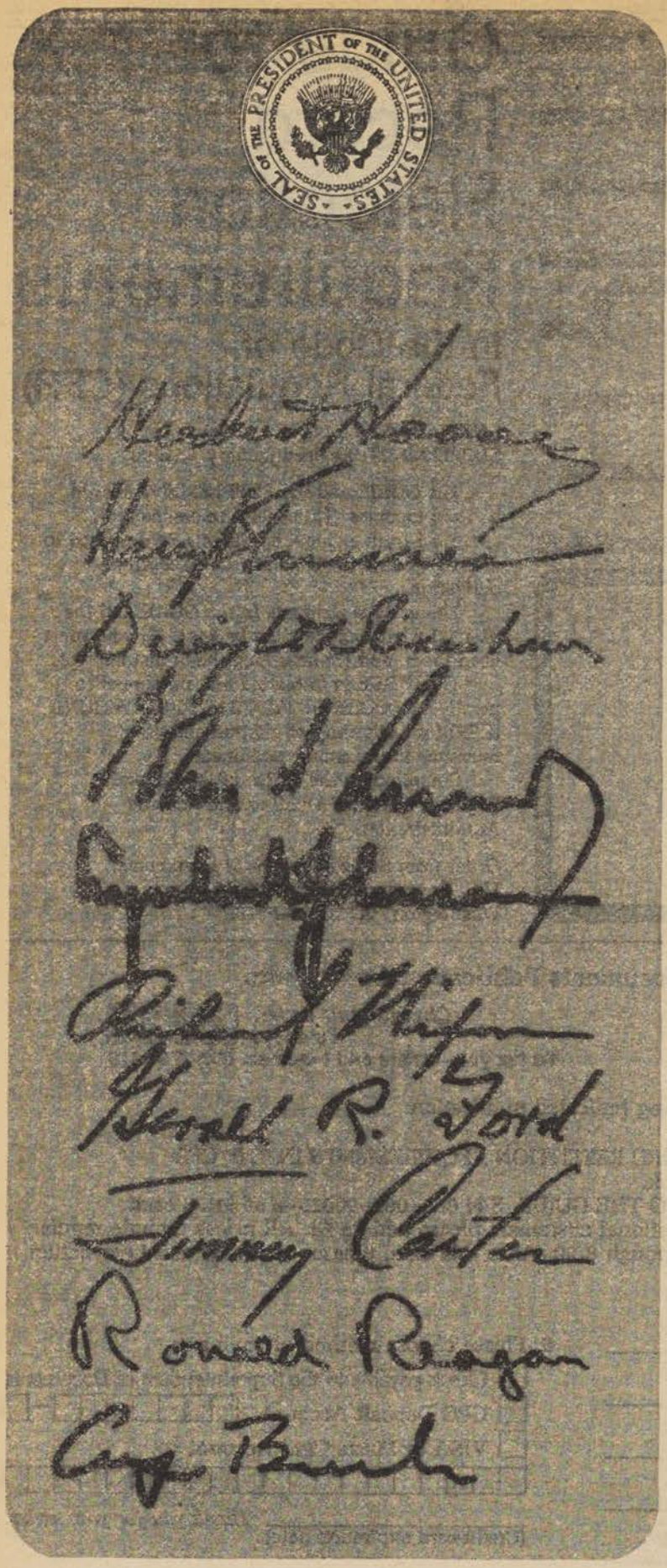

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